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Meeting Information

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PUBLIC NOTICE

The Board of Appeals has not scheduled meetings for Dec. 24, 2008, Dec. 31, 2008 or Jan. 7, 2009. The next regular meeting is scheduled for **Wednesday, Jan. 14, 2009, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **Dec. 18, 2008**

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Meeting Information

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 14, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Dec. 10 and Dec. 17, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3575 Geary Boulevard. Letter from Donald Lusty, agent for Bridge Housing, requestor, asking that the Board take jurisdiction over Order No. 177,774 of the Dept. of Public Works Bureau of Urban Forestry, which was issued on Sept. 12, 2008, and for which the appeal period lapsed on Sept. 29, 2008.

(4b) **REHEARING REQUEST:**

Taxi medallion No. 1135 and A-card No. 62705. Letter from Ligia Parmenter, attorney for Sayed Bashir Rahimi, appellant, requesting rehearing of Appeal No. 08-154, Rahimi vs. TC, decided Dec. 17, 2008. At that time, upon motion by Vice President Fung, the Board voted 5-0 to uphold the revocation of the subject medallion and subject A-card.

(5) **APPEAL NO. 08-136**

ERIK GROSSMAN, Appellant(s) **vs.** **DEPT. OF PUBLIC WORKS** **BUREAU OF URBAN FORESTRY, Respondent**	**291 Page Street.** **Appealing the denial on Aug. 22, 2008, of Tree Removal Permit.** **ORDER NO. 177,641 (REVISED).** **FOR REHEARING TODAY. Note: On Nov. 5, 2008, the Board voted 3-2 to overrule the denial with conditions, but the denial was upheld for lack of four votes pursuant to the City Charter. And on Dec. 10, 2008, the Board voted 5-0 to grant the**

	appellantâ€™s rehearing request, and to set the rehearing for Jan. 14, 2009.

(6) APPEAL NO. 07-132

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.

(7) APPEAL NO. 08-161

DMITRY BELOTSERKUSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1318 Masonic Avenue. Appealing the imposition of penalty on Oct. 10, 2008, for plumbing work done without a permit. APPLICATION NO. PP2008/10/10/948. FOR HEARING TODAY.

(8) APPEAL NO. 08-166

NORMA SOLORZANO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	33 Francis Street. Appealing the imposition of penalty on Oct. 15, 2008, for construction work done without a permit. APPLICATION NO. 2008/10/10/3965. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 9, 2009**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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LOBBYING ACTIVITY

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DVD'S OF MEETINGS

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 14, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Tanya Peterson, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Carla Short, Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

ABSENT: Vice President Frank Fung.

1109

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Paul Horcher.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: President Garcia announced that his son, San Francisco Police Officer Scott Biggs, will be presented with a gold Medal of Valor on February 4, 2009 and as a result, he will miss part of the Board's meeting that night.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Dec. 10 and Dec. 17, 2008 minutes.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to adopt the Dec. 10, 2008 minutes as amended, and the Dec. 17, 2008 minutes.

SPEAKERS: Paul Horcher.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3575 Geary Boulevard. Letter from Donald Lusty, agent for Bridge Housing, requestor, asking that the Board take jurisdiction over Order No. 177,774 of the Dept. of Public Works Bureau of Urban Forestry, which was issued on Sept. 12, 2008, and for which the appeal period lapsed on Sept. 29, 2008.

ACTION: Upon motion by Commissioner Goh, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to grant the jurisdiction request.

SPEAKERS: Donald Lusty, agent for requestor; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUEST:**

Taxi medallion No. 1135 and A-card No. 62705. Letter from Ligia Parmenter, attorney for Sayed Bashir Rahimi, appellant, requesting rehearing of Appeal No. 08-154, Rahimi vs. TC, decided Dec. 17, 2008. At that time, upon motion by Vice President Fung, the Board voted 5-0 to uphold the revocation of the subject medallion and subject A-card.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to deny the rehearing request.

SPEAKERS: Ligia Parmenter, attorney for appellant; Jordanna Thigpen, TC; Officer Rolly Junio, SFPD.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 08-136**

ERIK GROSSMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	291 Page Street. Appealing the denial on Aug. 22, 2008, of Tree Removal Permit. ORDER NO. 177,641 (REVISED). FOR REHEARING TODAY. **Note: On Nov. 5, 2008, the Board voted 3-2 to overrule the denial with conditions, but the denial was upheld for lack of four votes pursuant to the City Charter. And on Dec. 10, 2008, the Board voted 5-0 to grant the appellant's rehearing request, and to set the rehearing for Jan. 14, 2009.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to overrule the denial and grant the permit with the following conditions: (a) one (1) replacement tree of a 36" box size be planted at the subject property; (b) that two (2) 36" box trees be donated to the DPW BUF; and (c) that the species of all three trees to be determined by the DPW BUF; with a finding that the parties have settled the matter.

SPEAKERS: Carla Short, DPW BUF; Jace Levinson, agent for appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 07-132**

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 – 2 (Commissioners Fung and Peterson absent) to reschedule the matter to Feb. 11, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-161**

DMITRY BELOTSERKUSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1318 Masonic Avenue. Appealing the imposition of penalty on Oct. 10, 2008, for plumbing work done without a permit. APPLICATION NO. PP2008/10/10/948. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 – 2 (Commissioners Fung and Peterson absent) to reschedule the matter to Jan. 21, 2009.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-166**

NORMA SOLORZANO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	33 Francis Street. Appealing the imposition of penalty on Oct. 15, 2008, for construction work done without a permit. APPLICATION NO. 2008/10/10/3965. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to reduce the penalty to two (2) times the regular fee.

SPEAKERS: Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 6:08 pm.

Meeting Information

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 21, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **ELECTION OF OFFICERS:**

(3) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 14, 2009 minutes.

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(5) **ADDENDUM ITEMS:** None.

(6) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) **vs.** **ZONING ADMINISTRATOR, Respondent** **Subject Property Owners: NATHALIE LANG & JOHN WICKER**	**2666 Greenwich Street.** **Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008.** **APPLICATION NO. 2008/01/31/3694.** **PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time parties to conduct settlement negotiations.**

(7) **APPEAL NO. 08-161**

DMITRY BELOTSERKUSKY, Appellant(s)	**1318 Masonic Avenue.**

vs. DEPT. OF BUILDING INSPECTION, Respondent	Appealing the imposition of penalty on Oct. 10, 2008, for plumbing work done without a permit. APPLICATION NO. PP2008/10/10/948. FOR HEARING TODAY.

(8) **APPEAL NO. 08-165**

JOHN LEE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1406 Montgomery Street. Appealing a Letter of Determination dated Oct. 20, 2008, regarding the disapproval of BPA No. 2008/07/03/5940 to expand the existing 12â€™-6" garage door to 14â€™-2". FOR HEARING TODAY.

(9) **APPEAL NO. 08-168**

JAMES F. WHITE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DAVID McCLOSKEY	109 Alpine Terrace. Protesting a Letter of Determination dated Oct. 23, 2008, regarding the applicability of height provisions of the Planning Code to the subject property. FOR HEARING TODAY.

(10) **APPEAL NO. 08-171**

JESUS GOMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1140 Potrero Avenue. Protesting the issuance on Nov. 4, 2008, to Tom McDonald, Permit to Alter a Building (one-story addition and horizontal addition; change of occupancy from single-family house to three-unit apartment building). APPLICATION NO. 2007/05/21/1784S. FOR HEARING TODAY.

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ITEMS (11A) AND (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 08-173**

HILDA FALKENSTEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244A Mason Street. Protesting the issuance on Nov. 6, 2008, to Transition LLC, Permit to Alter a Building (kitchen and bath remodel; add new closets; install new kitchen appliances; new lights; all work in unit 2244A; remove windows over existing sink). APPLICATION NO. 2008/09/24/2527. FOR HEARING TODAY.

(11B) **APPEAL NO. 08-174**

CASSI WRIGHT, REBECCA CHENG & ELIZABETH ERNST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244 Mason Street. Protesting the issuance on Nov. 6, 2008, to Transition LLC, Permit to Alter a Building (kitchen and bath remodel; add new closets; install new kitchen appliances; install new light and outlets at kitchen, bathroom /living room area; relocate bathroom fixtures; reconfigure layout; convert kitchen/dining room into kitchen/living room; relocate bedroom to front). APPLICATION NO. 2008/09/19/2166. FOR HEARING TODAY.

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 16, 2009**

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MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 21, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

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SPEAKERS: None.

(2) **ELECTION OF OFFICERS:**

ACTION: Upon motion by President Garcia, the Board voted 5 - 0 to elevate Commissioner Tanya Peterson to the office of Vice President.

SPEAKERS: None.

PUBLIC COMMENT: None.

ACTION: Upon motion by Vice President Peterson, the Board voted 5 - 0 to elevate Vice President Frank Fung to the office of President.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 14, 2009 minutes.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to adopt the January 14, 2008 minutes.

(5) **ADDENDUM ITEMS:** None.

(6) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to February 4, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-161**

DMITRY BELOTSERKUSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1318 Masonic Avenue. Appealing the imposition of penalty on Oct. 10, 2008, for plumbing work done without a permit. APPLICATION NO. PP2008/10/10/948. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to reduce the penalty to $1,200.00.

SPEAKERS: Laurence Kornfield, DBI; Dmitry Belotserkuskly, appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-165**

JOHN LEE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1406 Montgomery Street. Appealing a Letter of Determination dated Oct. 20, 2008, regarding the disapproval of BPA No. 2008/07/03/5940 to expand the existing 12'-6" garage door to 14'-2". FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 2 to overrule the Zoning Letter of the Determination with adoption of findings at a later time. Motion failed for lack of four votes. Letter of Determination upheld.

SPEAKERS: Tina Tam, PD; John Lee, appellant; Brett Gladstone, attorney for appellant; Jeff Burris, agent for appellant.

PUBLIC COMMENT: Bob Planthold spoke in favor of the appellant.

(9) **APPEAL NO. 08-168**

JAMES F. WHITE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DAVID McCLOSKEY	109 Alpine Terrace. Protesting a Letter of Determination dated Oct. 23, 2008, regarding the applicability of height provisions of the Planning Code to the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to February 11, 2009.

SPEAKERS: Lois Kelly, wife of appellant; Brett Gladstone, attorney for subject property owner; Craig Nikitas, PD.

PUBLIC COMMENT: Thomas Korte and Brian McCaffrey spoke in favor of the appellant.

(10) **APPEAL NO. 08-171**

JESUS GOMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1140 Potrero Avenue. Protesting the issuance on Nov. 4, 2008, to Tom McDonald, Permit to Alter a Building (one-story addition and horizontal addition; change of occupancy from single-family house to three-unit apartment building). APPLICATION NO. 2007/05/21/1784S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to March 4, 2009, with the following items to be submitted: reduced site permit drawings (11x17), letter from geotechnical engineer, to-scale drawings of the detail of the shoring design, all due immediately to appellant, DBI, and BOA, and the briefing schedule to be reset.

SPEAKERS: Sue Hestor, attorney for appellant; Yakuh Askew, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

ITEMS (11A) AND (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 08-173**

HILDA FALKENSTEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244A Mason Street. Protesting the issuance on Nov. 6, 2008, to Transition LLC, Permit to Alter a Building (kitchen and bath remodel; add new closets; install new kitchen appliances; new lights; all work in unit 2244A; remove windows over existing sink). APPLICATION NO. 2008/09/24/2527. FOR HEARING TODAY.

(11B) **APPEAL NO. 08-174**

CASSI WRIGHT, REBECCA CHENG & ELIZABETH ERNST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244 Mason Street. Protesting the issuance on Nov. 6, 2008, to Transition LLC, Permit to Alter a Building (kitchen and bath remodel; add new closets; install new kitchen appliances; install new light and outlets at kitchen, bathroom/living room area; relocate bathroom fixtures; reconfigure layout; convert kitchen/dining room into kitchen/living room; relocate bedroom to front). APPLICATION NO. 2008/09/19/2166. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to continue both matters to Feb. 18, 2009, with the public hearing closed to allow time for parties to conduct settlement negotiations.

SPEAKERS: Steve Collier, attorney for appellants; Rebecca Cheng, co-appellant; Cassi Wright, co-appellant; Hilda Falkenstein, co-appellant; Blake Mattos, agent for permit holder.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung, adjourned the meeting at 7:40 pm.

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for Jan. 28, 2009. The next regular meeting is scheduled for **Wednesday, Feb. 4, 2009, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **Jan. 23, 2009**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 4, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 21, 2008 minutes.

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(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) **vs.** **ZONING ADMINISTRATOR, Respondent** **Subject Property Owners: NATHALIE LANG & JOHN WICKER**	**2666 Greenwich Street.** **Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008.** **APPLICATION NO. 2008/01/31/3694.** **PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time parties to conduct settlement negotiations.**

(6) **APPEAL NO. 08-151**

TESFAMARIAM ZEMIKAEL, Appellant(s) **vs.**	**Appealing the denial on Sept. 15, 2008, of Taxicab Medallion Permit.** **FOR HEARING TODAY.**

TAXI COMMISSION, Respondent	

(7) APPEAL NO. 08-176

IRENE CARTER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	456 Urbano Drive. Protesting the issuance on Nov. 17, 2008, to Tao Nguyen, Permit to Alter a Building (horizontal addition at rear and new 2nd floor). APPLICATION NO. 2006/05/09/1110S. FOR HEARING TODAY.

(8) APPEAL NO. 08-178

NANCY PANNOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	940 Cayuga Avenue. Protesting the issuance on Nov. 12, 2008, to William Tong, Permit to Alter a Building (comply with NOV No. 200846653 to legalize existing rear deck at 2nd floor; revision to approved BPA No. 2008/07/17/6920; reconfigure kitchen, dining and bedroom layout at 2nd floor; repair front stair). APPLICATION NO. 2008/11/10/6249. FOR HEARING TODAY.

(9) APPEAL NO. 08-179

DAVID SCHREIBER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	152 Elsie Street Protesting the issuance on Nov. 20, 2008, to Paul McQuin, Permit to Erect a Building (three-story, single-family house with 810sf of ground floor area). APPLICATION NO. 2003/10/06/6599S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 30, 2008**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org . Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Boardâ€™s web site.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 4, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Craig Nikitas, Senior Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

4/09

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Silvia Johnson.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 21, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to adopt the January 21, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time parties to conduct settlement negotiations.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to March 4, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-151**

TESFAMARIAM ZEMIKAEL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the denial on Sept. 15, 2008, of Taxicab Medallion Permit. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to February 18, 2009. Additional briefing to be submitted by appellant no later than Tuesday, February 10, 2009 on the issue of meeting the Full Time Driving Requirement for 2005, with a reply brief to be submitted by the Taxi Commission no later than Thursday, February 12, 2009.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Jordanna Thigpen, TC.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-176**

IRENE CARTER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	456 Urbano Drive. Protesting the issuance on Nov. 17, 2008, to Tao Nguyen, Permit to Alter a Building (horizontal addition at rear and new 2nd floor). APPLICATION NO. 2006/05/09/1110S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 (Commissioner Goh dissented) to uphold the permit.

SPEAKERS: Donald Simon, attorney for appellant; Kim Nguyen, wife of appellant; Craig Nikitas, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-178**

NANCY PANNOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	940 Cayuga Avenue. Protesting the issuance on Nov. 12, 2008, to William Tong, Permit to Alter a Building (comply with NOV No. 200846653 to legalize existing rear deck at 2nd floor; revision to approved BPA No. 2008/07/17/6920; reconfigure kitchen, dining and bedroom layout at 2nd floor; repair front stair). APPLICATION NO. 2008/11/10/6249. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to continue the matter to March 11, 2009, with the public hearing closed, to allow time for the permit holder to confer with the DBI and submit revised plans pursuant to the Board's comments.

SPEAKERS: Nancy Pannos, appellant; William Tong, permit holder; Tina Tam, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: David Hooper spoke in favor of the appellant; Helen Tong spoke in favor of the permit holder; Silvia Johnson.

(9) **APPEAL NO. 08-179**

DAVID SCHREIBER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	152 Elsie Street Protesting the issuance on Nov. 20, 2008, to Paul McQuin, Permit to Erect a Building (three-story, single-family house with 810sf of ground floor area). APPLICATION NO. 2003/10/06/6599S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Peterson, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to uphold the permit on condition that (a) the permit holder hold a pre-construction meeting including DBI and DPT staff; (b) that construction hours be limited to Mon. – Sat., 7 am – 6 pm, and no street blockage before 8 am and after 5 pm; (c) that the permit holder confer with the DBI regarding offsite storage of construction equipment; and (d) that the permit holder and appellant both designate a contact person for the purpose of improved communication during the construction period.

SPEAKERS: David Schreiber, appellant; Meredith Jones, attorney for permit holder; Laurence Kornfield, DBI; Tina Tam, PD.

PUBLIC COMMENT: Silvia Johnson; David Kern spoke in favor of the appellant.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 7:57 p.m.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 11, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the February 4, 2009 minutes.

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(4) ADDENDUM ITEMS: None.

(5) APPEAL NO. 08-184

HAKIM HAIDARIAN **& DONNIE BAKER, Appellant(s)** **vs.** **DEPT. OF PUBLIC HEALTH, Respondent**	**626 Kearny Street.** **Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 10, 2008. Reason (s) for suspension: selling tobacco products to minors.** **DIRECTORâ€™S CASE NO. FD-08-155.** **FOR HEARING TODAY.**

(6) APPEAL NO. 08-185

JAWDAT ZEIDAN **dba "MICHAEL'S WINE & SPIRITS", Appellant(s)** **vs.** **DEPT. OF PUBLIC HEALTH, Respondent**	**2198 Union Street.** **Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 10, 2008. Reason (s) for suspension: selling tobacco products to minors.** **DIRECTORâ€™S CASE NO. FD-08-158.**

	FOR HEARING TODAY.

(7) APPEAL NO. 08-183

SCOTT KEELING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	365 Fulton Street. Protesting the issuance on Dec. 1, 2008, to Mercy Housing, Perm it to Erect a Building (five-story, 120 unit residential /retail building with 13,286sf of ground floor area). APPLICATION NO. 2008/07/11/6520S. FOR HEARING TODAY.

(8) APPEAL NO. 08-054

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. PUBLIC HEARING HELD & CLOSED ON AUG. 13, 2008. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to submit additional information pursuant to the Board's comments.

(9) APPEAL NO. 08-168

JAMES F. WHITE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DAVID McCLOSKEY	109 Alpine Terrace. Protesting a Letter of Determination dated Oct. 23, 2008, regarding the applicability of height provisions of the Planning Code to the subject property. FOR HEARING TODAY.

(10) APPEAL NO. 08-177

STAN BRADBURY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1673 Haight Street. Appealing a Letter of Determination dated Nov. 12, 2008, regarding the disapproval of BPA No. 2008/08/13/9105 for the establishment of a new wine-tasting room within an existing retail chocolate shop at the subject property. FOR HEARING TODAY.

(11) APPEAL NO. 08-182

XIAO LIANG HAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL Â§ 14 Party: JIMMY K. CHAN	1671 - 11th Avenue. Appealing the denial on Dec. 11, 2008, of Permit to Alter a Building (third floor vertical addition). APPLICATION NO. 2006/03/24/7492. FOR HEARING TODAY.

ADJOURNMENT

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: Feb. 6, 2009

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 11, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Dr. Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Olson Lee, Redevelopment Agency (RA); Heidi Gewertz, (RA); Erin Carson, (RA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 4, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to adopt the February 4, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. 08-184**

HAKIM HAIDARIAN & DONNIE BAKER, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	626 Kearny Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-155. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to uphold the DPH on the condition that the suspension be reduced to seven (7) days. Motion failed due to lack of four votes; 15-day suspension upheld.

SPEAKERS: Dr. Johnson Ojo, DPH; Hakim Haidarian, co-appellant; Donnie Baker, co-appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-185**

JAWDAT ZEIDAN dba "MICHAEL'S WINE & SPIRITS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2198 Union Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-158. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 4 – 1 (Commissioner Mandelman dissented) to uphold the DPH on the condition that suspension be reduced to 12-days.

SPEAKERS: Dr. Johnson Ojo, DPH; Jawdat Zeidan, appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-183**

SCOTT KEELING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	365 Fulton Street. Protesting the issuance on Dec. 1, 2008, to Mercy Housing, Permit to Erect a Building (five-story, 120 unit residential/retail building with 13,286sf of ground floor area). APPLICATION NO. 2008/07/11/6520S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the permit on the condition that a good neighbor plan be adopted regarding neighborhood communication and maintenance, with adoption of findings at a later time.

SPEAKERS: Donna Benedetti, agent for appellant; Jay Trienen, agent for appellant, Olson Lee, RA; Heidi Gewertz, RA; Steven Vettel, attorney for permit holder; Jeff Kositsky, agent for permit holder; David Schnur, agent for permit holder; Tina Tam, PD; Erin Carson, RA; Laurence Kornfield, DBI.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Lawrence Klein, Rita Howe, Susan Belmont, Tracy Griffin, Debra Wilkinson, Marisa Binder, and Temple Tze. The following people spoke in favor of the permit holder: Mark Anthony, Barbara Meskunas, Marcelee Watkins, Grant Phillips, Chris Schulman, Liana Villasenor, Mama Tracy St. Cyr, Stefan Hastrap, Rev. Arnold Townsend, Rev. Reynaldo Woods, and Frances Neagley.

(8) **APPEAL NO. 08-054**

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. PUBLIC HEARING HELD & CLOSED ON AUG. 13, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the matter to March 11, 2009, with Board staff to contact the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-168**

JAMES F. WHITE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DAVID McCLOSKEY	109 Alpine Terrace. Protesting a Letter of Determination dated Oct. 23, 2008, regarding the applicability of height provisions of the Planning Code to the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 (Commissioner Mandelman dissented) to uphold the Letter of Determination.

SPEAKERS: Lois Kelley, agent for appellant; David McCloskey, subject property owner; Brett Gladstone, attorney for subject property owner; Craig Nikitas, PD; Suheil Shatara, agent for subject property owner.

PUBLIC COMMENT: Thomas Korte, Scott Schultz, and Brian McCaffrey spoke in favor of the appellant; Peter Lynch spoke in favor of the subject property owner.

(10) **APPEAL NO. 08-177**

STAN BRADBURY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1673 Haight Street. Appealing a Letter of Determination dated Nov. 12, 2008, regarding the disapproval of BPA No. 2008/08/13/9105 for the establishment of a new wine-tasting room within an existing retail chocolate shop at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 5 – 0 to overrule the Letter of Determination with adoption of findings at a later time.

SPEAKERS: Jeremy Paul, agent for appellant; Tina Tam, PD.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Ted Lowenberg, Philip Bellber, Heather Kroupa, John Litster, Jason Best, and Joe O'Donoghue.

(11) **APPEAL NO. 08-182**

XIAO LIANG HAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL § 14 Party: JIMMY K. CHAN	1671 – 11th Avenue. Appealing the denial on Dec. 11, 2008, of Permit to Alter a Building (third floor vertical addition). APPLICATION NO. 2006/03/24/7492. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to overrule the denial, adopt the Planning Commission's discretionary review (DR) decision with the following change: (a) that a half-bath be allowed on the ground floor; and with adoption of the DR Action memo as findings.

SPEAKERS: Xiao Liang Han, appellant; Jimmy K. Chan, § 14 Party, Laurence Kornfield, DBI.

PUBLIC COMMENT: Rose Tsai, Yasmen Mehta, Joe O'Donoghue, and Hiroshi Fukuda spoke in favor of the PD.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 10:33 p.m.

Meeting Information

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 18, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 11, 2009 minutes.

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(4) **ADOPTION OF BUDGET:**

Discussion and possible adoption of the Boardâ€™s Fiscal Year 2009-2010 Budget.

(5) **ADDENDUM ITEMS:**
(5a) **JURISDICTION REQUEST:**

Subject property at 55 Manchester Street. Letter from Demece Garepis, requestor, asking that the Board take jurisdiction over BPA Nos. 2008/09/19/2095, 2008/11/04/5805, and 2008/11/24/7231, which were issued on Sept. 19, 2008, Nov. 4, 2008, and Dec. 4, 2008, respectively, and for which the appeal periods lapsed on Oct. 6, 2008, Nov. 19, 2008, and Dec. 19, 2008, respectively. Permit Holders: Alex Anderson Kelly / Herbert McFadden, Jim Kelly, Jim Kelly / Leo McFadden / Oscar Mackey, respectively. Project, 1st permit: remove lath and plaster; rewire; repair plumbing; install gyp board; install new doors and windows at rear; install new trim and casing; remodel kitchens and baths; repair dry rot; paint; comply with NOV; re-roof. Project, 2nd permit: repair and replace dry rot sill plate and studs; strengthening stud walls with shear walls; strengthening floors; temporary shoring for dry rot repair; re-frame rear roof and rear wall; comply with NOVâ€™s. Project, 3rd permit: reconfigure floor plan; extend light wells to basement; construct new footing and stemwall; new bearing wall; new subfloor in basement; comply with NOVâ€™s.

(6) **APPEAL NO. 08-156**

AZZAM ENNAZER, Appellant(s)	**Appealing the revocation on Sept. 24, 2008, of medallion No. 431.**

vs. TAXI COMMISSION, Respondent	PUBLIC HEARING HELD AND CLOSED ON DEC. 17, 2008. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to submit additional information pursuant to the Boardâ€™s comments.

(7) APPEAL NO. V08-157

DONALD & ELSA LUBGUBAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1813 Church Street. Appealing the denial on Oct. 1, 2008, of Rear Yard Variance (construct a two-story addition at the rear of existing building). VARIANCE CASE NO. 2008.0508V. PUBLIC HEARING HELD AND CLOSED ON DEC. 17, 2008. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the appellant to confer with the ZA on alternative options.

(8) APPEAL NO. 08-151

TESFAMARIAM ZEMIKAEL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the denial on Sept. 15, 2008, of Taxicab Medallion Permit. FOR HEARING TODAY.

(9) APPEAL NO. 08-186

TOM GUAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	30 Bay View Street. Appealing the imposition of penalty on Dec. 12, 2008, for construction work done without a permit. APPLICATION NO. 2008/12/10/8228. FOR HEARING TODAY.

ITEMS (10A) AND (10B) SHALL BE HEARD TOGETHER:

(10A) APPEAL NO. 08-188

SAN FRANCISCO ARCHITECTURAL HERITAGE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	1581 Bush Street. Protesting the issuance on Dec. 4, 2008, to Pacific Heights Franklin Partners LLC, Permit to Demolish a Building (two-story auto sales/service building with 12,000sf of ground floor area). APPLICATION NO. 2008/09/25/2656. FOR HEARING TODAY.

(10B) APPEAL NO. 08-189

SAN FRANCISCO ARCHITECTURAL HERITAGE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	1450 Franklin Street. Protesting the issuance on Dec. 4, 2008, to Pacific Heights Franklin Partners LLC, Permit to Erect a Building (13-story, 69-unit residential/commercial building with 12,000sf of ground floor area). APPLICATION NO. 2008/09/25/2660S. FOR HEARING TODAY.

(11) APPEAL NO. 08-169

SANDRA SOHCOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	354 Douglass Street. Appealing the denial on Nov. 7, 2008, of Permit to Alter a Building (remove illegal unit but retain 2nd kitchen installed under BPA No. 188772 in 1930). APPLICATION NO. 2008/11/06/5960. FOR HEARING TODAY.

(12) APPEAL NO. 08-187

DON SKEOCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	977 Dolores Street. Appealing the denial on Dec. 11, 2008, of Permit to Alter a Building (merge two of three units; demolish wall between stair to 3rd floor unit and entry to 2nd floor unit; demolish 3rd floor kitchen and convert to bedroom; convert utility room at 3rd floor to closet). APPLICATION NO. 2008/05/06/1361. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Feb. 13, 2009**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 18, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosch, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

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SPEAKERS: Peter A. Chernoff.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 11, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the February 11, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADOPTION OF BUDGET:**

Discussion and possible adoption of the Board's Fiscal Year 2009-2010 Budget.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the proposed budget.

SPEAKERS: None.

PUBLIC COMMENT: Silvia Johnson; David Pilpel.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 55 Manchester Street. Letter from Demece Garepis, requestor, asking that the Board take jurisdiction over BPA Nos. 2008/09/19/2095, 2008/11/04/5805, and 2008/11/24/7231, which were issued on Sept. 19, 2008, Nov. 4, 2008, and Dec. 4, 2008, respectively, and for which the appeal periods lapsed on Oct. 6, 2008, Nov. 19, 2008, and Dec. 19, 2008, respectively. Permit Holders: Alex Anderson Kelly / Herbert McFadden, Jim Kelly, Jim Kelly / Leo McFadden / Oscar Mackey, respectively. **Project, 1st permit**: remove lath and plaster; rewire; repair plumbing; install gyp board; install new doors and windows at rear; install new trim and casing; remodel kitchens and baths; repair dry rot; paint; comply with NOV; re-roof. **Project, 2nd permit:** repair and replace dry rot sill plate and studs; strengthening stud walls with shear walls; strengthening floors; temporary shoring for dry rot repair; re-frame rear roof and rear wall; comply with NOV's. **Project, 3rd permit:** reconfigure floor plan; extend light wells to basement; construct new footing and stemwall; new bearing wall; new subfloor in basement; comply with NOV's.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to recuse Commissioner Goh. Following, upon motion by Commissioner Garcia, the Board voted 3 – 1 – 1 (Commissioner Mandelman dissented, Commissioner Goh recused) to deny the jurisdiction requests.

SPEAKERS: Demece Garepis, requestor; Leo McFadden, permit holder; Spencer Gosch, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: Robert Weiner, Nancy MacMorris, and Leonard Brill spoke in favor of the requestor.

(6) **APPEAL NO. 08-156**

AZZAM ENNAZER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Sept. 24, 2008, of medallion No. 431. PUBLIC HEARING HELD AND CLOSED ON DEC. 17, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the revocation on the conditions that (a) appellant be place at top of medallion list after one-year from date of issuance of Notice of Decision, and (b) appellant then prove to TC that he has met the Full Time Driving Requirement (FTDR) for 2008 and 2009.

SPEAKERS: Jordanna Thigpen, TC; Geoffrey Rotwein, attorney for appellant.

PUBLIC COMMENT: Emad Shehadeh, Mike Dajani, and Adnan Atetlah spoke in favor of the appellant.

(7) **APPEAL NO. V08-157**

DONALD & ELSA LUBGUBAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1813 Church Street. Appealing the denial on Oct. 1, 2008, of Rear Yard Variance (construct a two-story addition at the rear of existing building). VARIANCE CASE NO. 2008.0508V. PUBLIC HEARING HELD AND CLOSED ON DEC. 17, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the appellant to confer with the ZA on alternative options.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Javier Solorzano, agent for appellant, Scott Sanchez, PD.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-151**

TESFAMARIAM ZEMIKAEL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the denial on Sept. 15, 2008, of Taxicab Medallion Permit. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the denial on the conditions that (a) the appellant be placed at the medallion list after two (2) years from the date of issuance from Notice of Decision, (b) the appellant then prove to TC that he has met the FTDR for four (4) years during years 2007 to 2010, and (c) with a finding that there is credible evidence of extensive driving for 2005.

SPEAKERS: Jordanna Thigpen, TC; Geoffrey Rotwein, attorney for appellant; Tesfamariam Zemikael, appellant.

PUBLIC COMMENT: Richard Hybels spoke in favor of the TC; Yohannes Gebrehimn and Bereket Befeme spoke in favor the appellant.

(9) **APPEAL NO. 08-186**

TOM GUAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	30 Bay View Street. Appealing the imposition of penalty on Dec. 12, 2008, for construction work done without a permit. APPLICATION NO. 2008/12/10/8228. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Commissioner Mandelman dissented) to reduce the penalty to four (4) times the regular fee.

SPEAKERS: Spencer Gosch, DBI; Tom Guan, appellant.

PUBLIC COMMENT: None.

ITEMS (10A) AND (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 08-188**

SAN FRANCISCO ARCHITECTURAL HERITAGE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	1581 Bush Street. Protesting the issuance on Dec. 4, 2008, to Pacific Heights Franklin Partners LLC, Permit to Demolish a Building (two-story auto sales/service building with 12,000sf of ground floor area). APPLICATION NO. 2008/09/25/2656. FOR HEARING TODAY.

SEE 10B.

(10B) **APPEAL NO. 08-189**

SAN FRANCISCO ARCHITECTURAL HERITAGE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	1450 Franklin Street. Protesting the issuance on Dec. 4, 2008, to Pacific Heights Franklin Partners LLC, Permit to Erect a Building (13-story, 69-unit residential/commercial building with 12,000sf of ground floor area). APPLICATION NO. 2008/09/25/2660S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to uphold both permits with adoption of findings at a later time, and on the condition that there be ten (10) affordable housing units. Permits upheld with no conditions.

SPEAKERS: Jack Gold, agent for appellant; David Silverman, attorney for permit holder; Jim Helfrich, subject property co-owner; Jim Morales, attorney for Redevelopment Agency; Scott Sanchez, PD.

PUBLIC COMMENT: The following people spoke in favor of the permit holder: Wade Woods, Michael Vanderhose, Patricia Jury, Ronald Robertson, Coy McAllster, Kevin Jefferson, Raymond Martain, Abe Handry, and Arnold Townsend.

(11) **APPEAL NO. 08-169**

SANDRA SOHCOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	354 Douglass Street. Appealing the denial on Nov. 7, 2008, of Permit to Alter a Building (remove illegal unit but retain 2nd kitchen installed under BPA No. 188772 in 1930). APPLICATION NO. 2008/11/06/5960. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the matter to March 11, 2009, with the public hearing closed, to allow time for appellant to submit a draft motion, findings, conditions, and a Notice of Special Restrictions (NSR).

SPEAKERS: Spencer Gosch, DBI; Pat Buscovich, agent for appellant; Sandra Sohcot, appellant; Scott Sanchez, PD.

PUBLIC COMMENT: The following people spoke in favor of the appellant: James DeLange, Randy Allgaier, Lee Hawn, and Sarah Miller; Silvia Johnson.

(12) **APPEAL NO. 08-187**

DON SKEOCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	977 Dolores Street. Appealing the denial on Dec. 11, 2008, of Permit to Alter a Building (merge two of three units; demolish wall between stair to 3rd floor unit and entry to 2nd floor unit; demolish 3rd floor kitchen and convert to bedroom; convert utility room at 3rd floor to closet). APPLICATION NO. 2008/05/06/1361. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 4 – 1 (Commissioner Mandelman dissented) to overrule the denial, grant the permit with adoption of finding and conditions at a later time.

SPEAKERS: Scott Sanchez, PD; Spencer Gosch, DBI; Don Skeoch, appellant.

PUBLIC COMMENT: Cheryl Elliman and Alison Brown spoke in favor of the appellant; Sylvia Johnson.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 10:32 p.m.

Meeting Information

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for Feb. 25, 2009. The next regular meeting is scheduled for **Wednesday, March 4, 2009, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **Feb. 20, 2009**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 4, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 18, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 1673 Haight Street. Appeal No. 08-177, Bradbury vs. ZA, decided Feb. 11, 2009. At that time, the Board voted 5-0 to overrule the Letter of Determination with adoption of findings at a later time. LOD: regarding the disapproval of BPA No. 2008/08/13/9105 for the establishment of a new wine-tasting room within an existing retail chocolate shop at the subject property.

(5) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) **vs.** **ZONING ADMINISTRATOR, Respondent** **Subject Property Owners: NATHALIE LANG & JOHN WICKER**	**2666 Greenwich Street.** **Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008.** **APPLICATION NO. 2008/01/31/3694.** **PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. Note: Matter**

	continued to allow time parties to conduct settlement negotiations.

(6) APPEAL NO. 08-190

DRISS "KIKI" ELASALI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Dec. 11, 2008, of taxi A-card No. 52819. FOR HEARING TODAY.

(7) APPEAL NO. 08-175

JOYCE YEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	772 - 2nd Avenue. Appealing the denial on Nov. 14, 2008, of Tree Removal Permit (remove and replace one privately maintained Siberian Elm tree). ORDER NO. 177,900. FOR HEARING TODAY.

(8) APPEAL NO. 08-171

JESUS GOMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1140 Potrero Avenue. Protesting the issuance on Nov. 4, 2008, to Tom McDonald, Permit to Alter a Building (one-story addition and horizontal addition; change of occupancy from single-family house to three-unit apartment building). APPLICATION NO. 2007/05/21/1784S. FOR HEARING TODAY.

(9) APPEAL NO. 08-194

REAGAN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2475 - 17th Avenue. Protesting the issuance on Dec. 8, 2008, to Owen Guan, Permit to Alter a Building (construct one-story rear stairs at rear of existing building; alteration to existing ground floor to add two bedrooms, two full bathrooms, two storage rooms and laundry; alteration to existing 2nd floor to add two bathrooms, remodel existing two bathrooms, and re-wiring per plan). APPLICATION NO. 2008/12/08/7981. FOR HEARING TODAY.

(10) APPEAL NO. 09-001

JOERG WESTERMANN, KATHLEEN CROWLEY, RACHEL HOWARD, MARIO ESCOBAR, GAGE BOONE, ELANA MARGOLIS, BENJAMIN WACKS, AND JACKIE ESCOBAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1217 Florida Street. Protesting the issuance on Dec. 22, 2008, to David McClosky, Permit to Alter a Building (interior remodel of existing dwelling units; remodel bathrooms and kitchens; new window on south elevation; infill light well at east elevation; removal of partition walls). APPLICATION NO. 2008/12/16/8638. FOR HEARING TODAY.

ADJOURNMENT

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the BoardâC™s office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 27, 2009**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org . Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Boardâ€™s web site.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 4, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Jordanna Thigpen, Division of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Carla Short, Urban Forester, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; and Manuel Payes, Clerk Typist.

/09

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Richard Hybels and Leo McFadden.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: President Fung would like Appeal Nos. 09-019 and 09-020 regarding 55 Manchester St. placed on the April 1, 2009 agenda.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 18, 2009 minutes.

ACTION: At the request of the City Attorney and upon motion by Commissioner Goh, the Board voted 5 – 0 to continue this item to the Board's March 11, 2009 agenda.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 1673 Haight Street. Appeal No. 08-177, Bradbury vs. ZA, decided Feb. 11, 2009. At that time, the Board voted 5-0 to overrule the Letter of Determination with adoption of findings at a later time. LOD: regarding the disapproval of BPA No. 2008/08/13/9105 for the establishment of a new wine-tasting room within an existing retail chocolate shop at the subject property.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the findings.

SPEAKERS: Tina Tam, PD; Jeremy Paul, agent for appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time parties to conduct settlement negotiations.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the reinstatement of the permit on the condition that revised plans dated 02/25/09 be implemented, and with a finding that the parties have settled the matter.

SPEAKERS: Laurence Kornfield; DBI; Rodrigo Santos, agent for the subject property owner.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-190**

DRISS "KIKI" ELASSALI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Dec. 11, 2008, of taxi A-card No. 52819. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the revocation of the subject A-card.

SPEAKERS: Jordanna Thigpen, SFMTA; Ligia Parmenter, attorney for appellant; Sgt. Ron Reynolds, SFPD; Driss Elassali, appellant.

PUBLIC COMMENT: The following people in favor of the appellant: Gholahosain Rasooli, Aziz Huguldi, Abdo Alowdi, Abedelaziz Lemwaouri, and Nordean Moussaoui. Richard Hybels and Ron Brothers spoke in favor of the SFMTA.

(7) **APPEAL NO. 08-175**

JOYCE YEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	772 – 2nd Avenue. Appealing the denial on Nov. 14, 2008, of Tree Removal Permit (remove and replace one privately maintained Siberian Elm tree). ORDER NO. 177,900. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Carla Short, DPW; Ryan Gille, attorney for subject property owner; appellant did not appear.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-171**

JESUS GOMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1140 Potrero Avenue. Protesting the issuance on Nov. 4, 2008, to Tom McDonald, Permit to Alter a Building (one-story addition and horizontal addition; change of occupancy from single-family house to three-unit apartment building). APPLICATION NO. 2007/05/21/1784S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Commissioner Goh dissented) to uphold the permit on the condition that (a) the bathroom window on the second floor be reduced to 2' x 3' and (b) that the door on the second floor be solid.

SPEAKERS: Sue Hestor, attorney for appellant; Yakuh Askew, agent for permit holder; Rodrigo Santos, agent for permit holder; Tina Tam, PD; Laurence Kornfield, DBI; Jesus Gomez, appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-194**

REAGAN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2475 – 17th Avenue. Protesting the issuance on Dec. 8, 2008, to Owen Guan, Permit to Alter a Building (construct one-story rear stairs at rear of existing building; alteration to existing ground floor to add two bedrooms, two full bathrooms, two storage rooms and laundry; alteration to existing 2nd floor to add two bathrooms, remodel existing two bathrooms, and re-wiring per plan). APPLICATION NO. 2008/12/08/7981. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the matter to March 25, 2009, to allow time for Planning staff to confer with permit holder and re-review the project.

SPEAKERS: Reagan Lee, appellant; Owen Guan, permit holder; Tina Tam, PD.

PUBLIC COMMENT: Garrett Chan spoke in favor of the appellant; Luke Yu spoke in favor of the permit holder.

(10) **APPEAL NO. 09-001**

JOERG WESTERMANN, KATHLEEN CROWLEY, RACHEL HOWARD, MARIO ESCOBAR, GAGE BOONE, ELANA MARGOLIS, BENJAMIN WACKS, AND JACKIE ESCOBAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1217 Florida Street. Protesting the issuance on Dec. 22, 2008, to David McClosky, Permit to Alter a Building (interior remodel of existing dwelling units; remodel bathrooms and kitchens; new window on south elevation; infill light well at east elevation; removal of partition walls). APPLICATION NO. 2008/12/16/8638. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (President Fung absent) to reschedule the matter to March 11, 2009 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT

There being no further business, President Fung adjourned the meeting at 9:11 p.m.

Meeting Information

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NOTICE OF CANCELLED MEETING

The Board of Appeals has **CANCELLED** the meeting of March 11, 2009, and has **NOT SCHEDULED** a meeting for March 18, 2009. All cases previously scheduled for March 11, 2009 have been rescheduled to various dates in late March and early April 2009. Please refer to the table below.

The next regular meeting is scheduled for **Wednesday, March 25, 2009, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any scheduling or appeal matter.

ITEM	APPEAL NO:	SUBJECT PROPERTY	APPEAL TITLE	NEW DATE
4a	08-165, RR	1406 Montgomery St.	Lee vs. ZA	March 25, 2009
4b	08-184, RR	626 Kearny St.	Haidarian & Baker vs. DPH	To be determined
5	09-002	1101 Fillmore St.	Charlieâ€™s Drug Store vs. DPH	March 25, 2009
6	08-158	NW Corner of 19th St. & Harrison	El Tonayense vs. SFPD	April 1, 2009
7	08-054	1307 Hayes St.	Penn vs. ZA	April 1, 2009
8	08-169	354 Douglas St.	Soheot vs. DBI	April 1, 2009
9	08-178	940 Cayuga Ave.	Pannos vs. DBI, PDA	March 25, 2009
10	09-001	1217 Florida St.	Westermann et al. vs. DBI	April 1, 2009
11a	09-005	786-792 - 21st Ave.	Krause vs. DBI	April 1, 2009
11b	09-006	786-792 - 21st Ave.	Triposis vs. DBI	April 1, 2009

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 25, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Feb. 18, 2009 and March 4, 2009 minutes.

(4) **ADDENDUM ITEMS:**
(4a) **JURISDICTION REQUEST:**

Subject property at 101 Frederick Street. Letter from Joyce Nardone, Lynn Morgan, Patrick Gaffney and Beth Wilson, requestors, asking that the Board take jurisdiction over BPA No. 2009/02/03/1315, which was issued on Feb. 4, 2009, and for which the appeal period lapsed on Feb. 19, 2009. Permit Holder: Thomas Mitchell. Project: in all units relocate kitchen to dining area; convert kitchen to bedrooms; replace shower pans; rebuild rear stair in kind; repair dry rot damage to exterior wall.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 365 Fulton Street. Appeal No. 08-183, Keeling vs. DBI, RAA, decided Feb. 11, 2009. At that time, the Board voted 5-0 to uphold the subject permit on condition that a good neighbor plan be adopted regarding communications and a maintenance, and with adoption of findings at a later time. Permit Holder: Mercy Housing. Project: construct a five-story, 120 unit residential /retail building with 13,286sf of ground floor area; BPA No. 2008/07/11/6520S.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 1581 Bush Street & 1450 Franklin Street. Appeal Nos. 08-188/189, San Francisco Architectural Heritage vs. DBI, RAA, decided Feb. 18, 2009. At that time, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold both permits with adoption of findings at a later time, and on condition that there be ten (10) affordable units. Four votes being required under the City Charter to impose conditions on a departmental action, the permits were upheld with no conditions and with adoption of findings

at a later time. Permit Holder: Pacific Heights Franklin Partners LLC. Project: demolish a two-story auto sales/service building with 12,000sf of ground floor area (BPA No. 2008/09/25/2656), and construct a 13-story, 69-unit residential/commercial building with 12,000sf of ground floor area (BPA No. 2008/09/25/2660S).

(5) APPEAL NO. 09-002

NICK SHOMAN dba "CHARLIEâ€™S DRUG STORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1101 Fillmore Street. Appealing the suspension of a Tobacco Sales Permit, imposed on Dec. 23, 2008, for violation of Â§ 1009.92 of the Health Code. FOR HEARING TODAY.

(6) APPEAL NO. 09-009

BRIDGE HOUSING, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3575 Geary Blvd. Appealing the conditions placed on a Tree Removal Permit. ORDER NO. 177,774. JURISDICTION GRANTED JAN. 14, 2009. FOR HEARING TODAY.

(7) APPEAL NO. 08-178

NANCY PANNOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	940 Cayuga Avenue. Protesting the issuance on Nov. 12, 2008, to William Tong, Permit to Alter a Building (comply with NOV No. 200846653 to legalize existing rear deck at 2nd floor; revision to approved BPA No. 2008/07/17/6920; reconfigure kitchen, dining and bedroom layout at 2nd floor; repair front stair). APPLICATION NO. 2008/11/10/6249. PUBLIC HEARING HELD AND CLOSED ON FEB. 4, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the permit holder to confer with DBI and submit revised plans pursuant to the Boardâ€™s comments.

(8) APPEAL NO. 08-194

REAGAN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2475 - 17th Avenue. Protesting the issuance on Dec. 8, 2008, to Owen Guan, Permit to Alter a Building (construct one-story rear stairs at rear of existing building; alteration to existing ground floor to add two bedrooms, two full bathrooms, two storage rooms and laundry; alteration to existing 2nd floor to add two bathrooms, remodel existing two bathrooms, and re-wiring per plan). PUBLIC HEARING HELD AND CLOSED ON MARCH 4, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for Planning Dept. staff to confer with the permit holder and re-review the project.

(9) APPEAL NO. 09-004

CANTRELL HARRIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	646 - 648 Madrid Street. Appealing the imposition of penalty on Jan. 9, 2009, for construction work done without a permit. APPLICATION NO. 2008/11/26/7409. FOR HEARING TODAY.

10) APPEAL NO. 09-008

GREGORY JOHNSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2614 Buchanan Street #2. Protesting the issuance on Jan. 21, 2009, to Michael Apigian, Plumbing Permit (relocate water heater into closet; correct complaint # 200363055). APPLICATION NO. PP2009/01/21/571. FOR HEARING TODAY.

(11) APPEAL NO. 09-010

JOSEPH & KATHLEEN HOEGGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Burlwood Drive. Protesting the issuance on Jan. 21, 2009, to Peter Wong, Permit to Alter a Building (install concrete retaining wall; comply with NOV No. 200882654). APPLICATION NO. 2009/01/21/0550. FOR HEARING TODAY.

(12) APPEAL NO. 09-012

ALAN REVERE, NANCY BARAN, BART KYLSTRA, JEFF WILKINSON, STEVE SIMONS, RICHARD SERRAO, STACY THAL, R. SAMUEL KLATCHKO, STEPHEN YI-KRAWCZYK, & YU LING CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	170 - 172 Clara Street. Protesting the issuance on Jan. 16, 2009, to Fritz Schneider, Permit to Alter a Building (seismic upgrade; enclose storage, add exterior courtyard, new stair, new ADA bathroom, and new storage on level one; remove portion of level two floor, new stair, new bathroom, and new storage on level two; add skylights; new roof access with perimeter parapet). APPLICATION NO. 2007/12/31/1629. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304). **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304). Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **March 20, 2009.**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org . Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the BoardâC™s web site.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 25, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosch, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

/09

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Feb. 18, 2009 and March 4, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to adopt the Feb. 18, 2009 and March 4, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 101 Frederick Street. Letter from Joyce Nardone, Lynn Morgan, Patrick Gaffney and Beth Wilson, requestors, asking that the Board take jurisdiction over BPA No. 2009/02/03/1315, which was issued on Feb. 4, 2009, and for which the appeal period lapsed on Feb. 19, 2009. Permit Holder: Thomas Mitchell. Project: in all units relocate kitchen to dining area; convert kitchen to bedrooms; replace shower pans; rebuild rear stair in kind; repair dry rot damage to exterior wall.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to grant the jurisdiction request.

SPEAKERS: Joyce Nardone, co-requestor; John Champlin, co-requestor; Thomas Mitchell, permit holder; Spencer Gosch, DBI.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 365 Fulton Street. Appeal No. 08-183, Keeling vs. DBI, RAA, decided Feb. 11, 2009. At that time, the Board voted 5-0 to uphold the subject permit on condition that a good neighbor plan be adopted regarding communications and maintenance, and with adoption of findings at a later time. Permit Holder: Mercy Housing. Project: construct a five-story, 120 unit residential /retail building with 13,286sf of ground floor area; BPA No. 2008/07/11/6520S.

ACTION: Upon motion by President Fung, the Board voted 3 – 2 (Vice President Peterson and Commissioner Goh dissented) to deny Appellant's rescheduling request. Afterwards, upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the findings with amended good neighbor policies.

SPEAKERS: Michelle Hildebrand, agent for appellant; Jeff Kositsky, agent for permit holder; Olson Lee, Redevelopment Agency (RA); Steven Vettel, attorney for permit holder; Jim Morales, RA; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 1581 Bush Street & 1450 Franklin Street. Appeal Nos. 08-188/189, San Francisco Architectural Heritage vs. DBI, RAA, decided Feb. 18, 2009. At that time, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold both permits with adoption of findings at a later time, and on condition that there be ten (10) affordable units. Four votes being required under the City Charter to impose conditions on a departmental action, the permits were upheld with no conditions. Permit Holder: Pacific Heights Franklin Partners LLC. Project: demolish a two-story auto sales/service building with 12,000sf of ground floor area (BPA No. 2008/09/25/2656), and construct a 13-story, 69-unit residential/commercial building with 12,000sf of ground floor area (BPA No. 2008/09/25/2660S).

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to April 15, 2009.

SPEAKERS: Jack Gold, agent for appellant; David Silverman, attorney for permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-002**

NICK SHOMAN dba "CHARLIE'S DRUG STORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1101 Fillmore Street. Appealing the suspension of a Tobacco Sales Permit, imposed on Dec. 23, 2008, for violation of § 1009.92 of the Health Code. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the matter to Call of the Chair.

SPEAKERS: Aleeta Van Runkle, DPH; Nick Shoman, appellant.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Pat Jury, Diane Butler, and Vearnita Morrison.

(6) **APPEAL NO. 09-009**

BRIDGE HOUSING, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3575 Geary Blvd. Appealing the conditions placed on a Tree Removal Permit. ORDER NO. 177,774. JURISDICTION GRANTED JAN. 14, 2009. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to uphold the permit, to strike the current conditions, and with the following conditions: that six (6) 48" box trees be planted, and that the appellant pay an in-lieu fee of $14,480.28.

SPEAKERS: Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-178**

NANCY PANNOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	940 Cayuga Avenue. Protesting the issuance on Nov. 12, 2008, to William Tong, Permit to Alter a Building (comply with NOV No. 200846653 to legalize existing rear deck at 2nd floor; revision to approved BPA No. 2008/07/17/6920; reconfigure kitchen, dining and bedroom layout at 2nd floor; repair front stair). APPLICATION NO. 2008/11/10/6249. PUBLIC HEARING HELD AND CLOSED ON FEB. 4, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the permit holder to confer with DBI and submit revised plans pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 - 0 to uphold the permit on the condition that there be no firewall extending beyond the rear of the building.

SPEAKERS: William Tong, permit holder; Nancy Pannos, appellant; Scott Sanchez, PD; Spencer Gosch, DBI.

PUBLIC COMMENT: David Hooper spoke in favor of the appellant.

(8) **APPEAL NO. 08-194**

REAGAN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2475 – 17th Avenue. Protesting the issuance on Dec. 8, 2008, to Owen Guan, Permit to Alter a Building (construct one-story rear stairs at rear of existing building; alteration to existing ground floor to add two bedrooms, two full bathrooms, two storage rooms and laundry; alteration to existing 2nd floor to add two bathrooms, remodel existing two bathrooms, and re-wiring per plan). PUBLIC HEARING HELD AND CLOSED ON MARCH 4, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Planning Dept. staff to confer with the permit holder and re-review the project.**

ACTION: Upon motion by President Fung, the Board voted 5 - 0 to uphold the permit on the condition: (a) that an interior stair connection be provided with open rails; (b) that the front door entrance directly adjacent to the garage be eliminated; (c) that one (1) full bath be allowed on the south side of the first floor, and one (1) half bath be allowed on the north side of the first floor, and (d) that a Notice of Special Restriction be recorded that denotes the subject property is for use as a single-family home only.

SPEAKERS: Scott Sanchez, PD; Owen Guan, permit holder; Margaret Lee, wife of appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 09-004**

CANTRELL HARRIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	646-648 Madrid Street. Appealing the imposition of penalty on Jan. 9, 2009, for construction work done without a permit. APPLICATION NO. 2008/11/26/7409. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reduce the penalty to two times (2X) the regular fee.

SPEAKERS: Spencer Gosch, DBI; Andy Levine, agent for appellant.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 09-008**

GREGORY JOHNSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2614 Buchanan Street #2. Protesting the issuance on Jan. 21, 2009, to Michael Apigian, Plumbing Permit (relocate water heater into closet; correct complaint # 200363055). APPLICATION NO. PP2009/01/21/571. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Gregory Johnson, appellant; Chris Goodwin, agent for permit holder; Carolyn Apigian, co-permit holder; Spencer Gosch, DBI.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 09-010**

JOSEPH & KATHLEEN HOEGGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Burlwood Drive. Protesting the issuance on Jan. 21, 2009, to Peter Wong, Permit to Alter a Building (install concrete retaining wall; comply with NOV No. 200882654). APPLICATION NO. 2009/01/21/0550. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to continue the matter to May 13, 2009, with the public hearing held and closed, to allow time for the permit holder to confer with the DBI and Planning staff.

SPEAKERS: Kathleen Hoegger, co-appellant, Peter Wong, permit holder; Greg Spry, agent for permit holder; Scott Sanchez, PD; Joseph Hoegger, co-appellant; Spencer Gosch, DBI.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 09-012**

ALAN REVERE, NANCY BARAN, BART KYLSTRA, JEFF WILKINSON, STEVE SIMONS, RICHARD SERRAO, STACY THAL, R. SAMUEL KLATCHKO, STEPHEN YI-KRAWCZYK, & YU LING CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	170-172 Clara Street. Protesting the issuance on Jan. 16, 2009, to Fritz Schneider, Permit to Alter a Building (seismic upgrade; enclose storage, add exterior courtyard, new stair, new ADA bathroom, and new storage on level one; remove portion of level two floor, new stair, new bathroom, and new storage on level two; add skylights; new roof access with perimeter parapet). APPLICATION NO. 2007/12/31/1629. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 2 (President Fung and Commissioner Garcia dissented) to continue the matter to June 3, 2009, with the public hearing held and closed.

SPEAKERS: Alan Revere, co-appellant; Steve Simons, co-appellant; Fritz Schneider, permit holder; Brett Gladstone, attorney for permit holder; Scott Sanchez, PD; Spencer Gosch, DBI.

PUBLIC COMMENT: The following spoke in favor of the permit holder: Catherine Becker, Joe Martin, David Moss, and Barry Beach.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 9:50 p.m.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 1, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 25, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Taxi A-card No. 52819. Letter from Ligia Parmenter, attorney for Driss "Kiki" Elasali, appellant, requesting rehearing of Appeal No. 08-190, Elasali vs. MTA DTAS, decided March 4, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 5 -0 to uphold the revocation of the subject A-card.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 354 Douglass Street. Appeal No. 08-169, Sandra Sohcot v. DBI. Appealing the denial on Nov. 7, 2008, of Permit to Alter a Building (remove illegal unit but retain 2nd kitchen installed under BPA No. 188772 in 1930). APPLICATION NO. 2008/11/06/5960. PUBLIC HEARING HELD AND CLOSED ON FEB. 18, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the appellant to submit a draft version of a motion, findings, conditions, and Notice of Special Restrictions.

(5) **APPEAL NO. 08-158**

BENJAMIN SANTANA dba "EL TONAYENSE", Appellant(s) vs. POLICE DEPARTMENT, Respondent	**NW Corner of 19th Street & Harrison Street. Appealing the revocation on Sept. 29, 2008, of Mobile Caterer Permit.**

	FOR HEARING TODAY.

(6) APPEAL NO. 08-180

MASOUD CHARSOUGHI, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing a Decision dated Nov. 26, 2008, which denies a time waiver, and determines that Masoud Charsoughi is ineligible for a ramp taxi medallion. LIST NO. 6-857. FOR HEARING TODAY.

(7) APPEAL NO. 08-054

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. PUBLIC HEARING HELD & CLOSED ON AUG. 13, 2008. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to submit additional information pursuant to the Board's comments.

(8) APPEAL NO. 09-001

JOERG WESTERMANN, KATHLEEN CROWLEY, RACHEL HOWARD, MARIO ESCOBAR, GAGE BOONE, ELANA MARGOLIS, BENJAMIN WACKS, AND JACKIE ESCOBAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1217 Florida Street. Protesting the issuance on Dec. 22, 2008, to David McClosky, Permit to Alter a Building (interior remodel of existing dwelling units; remodel bathrooms and kitchens; new window on south elevation; infill light well at east elevation; removal of partition walls). APPLICATION NO. 2008/12/16/8638. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 09-005

DONALD KRAUSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	786 – 792 - 21st Avenue. Protesting the issuance on Jan. 5, 2009, to Robert Ricci, Permit to Alter a Building (work at units 786 and 788 only; remodel two kitchens and two baths; change cabinets, counters, floors, toilet; repair sub floors, bath tub/shower). APPLICATION NO. 2009/01/05/9562. FOR HEARING TODAY.

(9B) APPEAL NO. 09-006

PETER TRIPOUSIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	786 – 792 - 21st Avenue. Protesting the issuance on Jan. 5, 2009, to Robert Ricci, Permit to Alter a Building (work at units 786 and 788 only; remodel two kitchens and two baths; change cabinets, counters, floors, toilet; repair sub floors, bath tub/shower). APPLICATION NO. 2009/01/05/9562. FOR HEARING TODAY.

(10) APPEAL NO. 09-014

WILLIAM McMORROW, Appellant(s) vs.	520 Oak Street. Appealing the imposition of penalty on Feb. 6, 2009, for construction work done without a permit.

DEPT. OF BUILDING INSPECTION, Respondent	**APPLICATION NO. 2009/02/06/1538. FOR HEARING TODAY.**

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 27, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 1, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosch, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jordanna Thigpen, Enforcement and Legal Affairs Manager, Division of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Sgt. William Coggan, San Francisco Police Department (SFPD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

09

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 25, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the March 25, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Taxi A-card No. 52819. Letter from Ligia Parmenter, attorney for Driss "Kiki" Elasali, appellant, requesting rehearing of Appeal No. 08-190, Elasali vs. MTA DTAS, decided March 4, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the revocation of the subject A-card.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to deny the rehearing request.

SPEAKERS: Ligia Parmenter, attorney for appellant; Jordanna Thigpen, SFMTA.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 354 Douglass Street. Appeal No. 08-169, Sandra Sohcot v. DBI. Appealing the denial on Nov. 7, 2008, of Permit to Alter a Building (remove illegal unit but retain 2nd kitchen installed under BPA No. 188772 in 1930). APPLICATION NO. 2008/11/06/5960. PUBLIC HEARING HELD AND CLOSED ON FEB. 18, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the appellant to submit a draft version of a motion, findings, conditions, and Notice of Special Restrictions.**

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to reinstate the permit to remove the unit but deny the permit to retain two kitchens, with the amended permit to be suspended, and with adoption of findings and conditions.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 08-158**

BENJAMIN SANTANA dba "EL TONAYENSE", Appellant(s) vs. POLICE DEPARTMENT, Respondent	NW Corner of 19th Street & Harrison Street. Appealing the revocation on Sept. 29, 2008, of Mobile Caterer Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the revocation on the condition that the revocation be stayed until June 9, 2009.

SPEAKERS: Stephen Williams, attorney for appellant; Sgt. William Coggan, SFPD.

PUBLIC COMMENT: The following people spoke in favor of the SFPD: Chris Armentrout, S.F. Unified School District (SFUSD); Jill Wynns, SFUSD; Rachel Norton, SFUSD; Paula Jones, Dept. of Public Health; Libby Albert, S.F. Dept. of Children, Youth and their Families; Dana Woldow; Caroline Grannan; Marcia Wertz; and Colleen Kavanagh. John Oram and Kenneth Berger spoke in favor of the appellant.

(6) **APPEAL NO. 08-180**

MASOUD CHARSOUGHI, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing a Decision dated Nov. 26, 2008, which denies a time waiver, and determines that Masoud Charsoughi is ineligible for a ramp taxi medallion. LIST NO. 6-857. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the SFMTA's decision.

SPEAKERS: Jordanna Thigpen, SFMTA; Ligia Parmenter, attorney for appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-054**

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. PUBLIC HEARING HELD & CLOSED ON AUG. 13, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the Letter of Determination.

SPEAKERS: Scott Sanchez, PD; Bobby Penn, son of appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-001**

JOERG WESTERMANN, KATHLEEN CROWLEY, RACHEL HOWARD, MARIO ESCOBAR, GAGE BOONE, ELANA MARGOLIS, BENJAMIN WACKS, AND JACKIE ESCOBAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1217 Florida Street. Protesting the issuance on Dec. 22, 2008, to David McClosky, Permit to Alter a Building (interior remodel of existing dwelling units; remodel bathrooms and kitchens; new window on south elevation; infill light well at east elevation; removal of partition walls). APPLICATION NO. 2008/12/16/8638. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to April 15, 2009.

SPEAKERS: Andrew Zacks, attorney for permit holder; Phillip O'Brien, attorney for appellants.

PUBLIC COMMENT: None.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 09-005**

DONALD KRAUSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	786 – 792 - 21st Avenue. Protesting the issuance on Jan. 5, 2009, to Robert Ricci, Permit to Alter a Building (work at units 786 and 788 only; remodel two kitchens and two baths; change cabinets, counters, floors, toilet; repair sub floors, bath tub/shower). APPLICATION NO. 2009/01/05/9562. FOR HEARING TODAY.

(9B) **APPEAL NO. 09-006**

PETER TRIPOUSIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	786 – 792 - 21st Avenue. Protesting the issuance on Jan. 5, 2009, to Robert Ricci, Permit to Alter a Building (work at units 786 and 788 only; remodel two kitchens and two baths; change cabinets, counters, floors, toilet; repair sub floors, bath tub/shower). APPLICATION NO. 2009/01/05/9562. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue both matters to April 22, 2009, with the public hearing held and closed, to allow time for the permit holder to submit addition information, and for the DBI to conduct a site visit.

SPEAKERS: Donald Krause, appellant, Peter Tripousis, appellant; Elizabeth Erhardt, attorney for permit holder; Spencer Gosch, DBI; Adele Della Santina, agent for permit holder.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 09-014**

WILLIAM McMORROW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	520 Oak Street. Appealing the imposition of penalty on Feb. 6, 2009, for construction work done without a permit. APPLICATION NO. 2009/02/06/1538. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reduce the penalty to two times (2X) the regular fee.

SPEAKERS: Spencer Gosch, DBI; William McMorrow, appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 8:55 p.m.

Meeting Information

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for April 8, 2009. The next regular meeting is scheduled for **Wednesday, April 15, 2009, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **April 3, 2009**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 15, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 1, 2009 minutes.

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(4) **SPECIAL ITEM:**

Presentation by staff of the Mayor's Office on Disability.

(5) **ADDENDUM ITEMS:**
(5a) **ADOPTION OF FINDINGS:**

Subject property at 1581 Bush Street & 1450 Franklin Street. Appeal Nos. 08-188/189, San Francisco Architectural Heritage vs. DBI, RAA, decided Feb. 18, 2009. At that time, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold both permits with adoption of findings at a later time, and on condition that there be ten (10) affordable units. Four votes being required under the City Charter to impose conditions on a departmental action, the permits were upheld with no conditions and with adoption of findings at a later time. Permit Holder: Pacific Heights Franklin Partners LLC. Project: demolish a two-story auto sales/service building with 12,000sf of ground floor area (BPA No. 2008/09/25/2656), and construct a 13-story, 69-unit residential/commercial building with 12,000sf of ground floor area (BPA No. 2008/09/25/2660S).

(6) **APPEAL NO. 09-017**

REDA MAHFOUZ dba **"ALIBABA SMOKE & GIFT SHOP", Appellant(s)** **vs.**	**245A Columbus Avenue.** **Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Feb. 11, 2009. Reason(s) for suspension: selling tobacco products to minors.**

DEPT. OF PUBLIC HEALTH, Respondent	DIRECTORâ€™S CASE NO. FD-09-018. FOR HEARING TODAY.

(7) APPEAL NO. 09-015

JANICE HENNESSEY, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent Permit Holder: HAKIM IKARIOUEN	Protesting the suspension on Feb. 3, 2009, of Public Passenger Vehicle Permit (A-card) No. 86602. RESOLUTION NO. 2009-03. FOR HEARING TODAY.

(8) APPEAL NO. 09-018

SAQIB ZAHEER, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing a Determination of Ineligibility for Ramp Taxicab Medallion dated Feb. 2, 2009. LIST NO. 6-945. FOR HEARING TODAY.

(9) APPEAL NO. 09-001

JOERG WESTERMANN, KATHLEEN CROWLEY, RACHEL HOWARD, MARIO ESCOBAR, GAGE BOONE, ELANA MARGOLIS, BENJAMIN WACKS, AND JACKIE ESCOBAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1217 Florida Street. Protesting the issuance on Dec. 22, 2008, to David McClosky, Permit to Alter a Building (interior remodel of existing dwelling units; remodel bathrooms and kitchens; new window on south elevation; infill light well at east elevation; removal of partition walls). APPLICATION NO. 2008/12/16/8638. FOR HEARING TODAY.

(10) APPEAL NO. 09-003

7 - ELEVEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	652 Kearny Street. Appealing the denial on Jan. 6, 2009, of Permit to Alter a Building (interior ground floor and basement tenant improvements for 7-Eleven; construct service counters; storage shelf fixtures; coffee bar/drink station; new handicap restroom; reach-in refrigerator and sink). APPLICATION NO. 2008/03/05/6385. FOR HEARING TODAY.

(11) APPEAL NO. 09-016

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2514 - 23rd Avenue. Protesting the issuance on Jan. 29, 2009, to Mary Galvin, Permit to Alter a Building (structural work; first floor framing; new retaining wall / replace existing damaged wall; address complaint no. 200988255; in-kind window; shoring under separate permit prior to construction; obtain CAL OSHA permit prior to construction and excavation work). APPLICATION NO. 2009/01/27/0870. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 10, 2009**

MEMBERS OF THE BOARD OF APPEALS	
FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org . Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Boardâ€™s web site.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 15, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jordanna Thigpen, Enforcement and Legal Affairs Manager, Division of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Andrew Jin, Inspector, Department of Public Health Environmental Health Services, (DPH EHS); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 1, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the April 1, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Presentation by staff of the Mayor's Office on Disability.

Rescheduled to June 3, 2009.

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

Subject property at 1581 Bush Street & 1450 Franklin Street. Appeal Nos. 08-188/189, San Francisco Architectural Heritage vs. DBI, RAA, decided Feb. 18, 2009. At that time, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold both permits with adoption of findings at a later time, and on condition that there be ten (10) affordable units. Four votes being required under the City Charter to impose conditions on a departmental action, the permits were upheld with no conditions and with adoption of findings at a later time. Permit Holder: Pacific Heights Franklin Partners LLC. Project: demolish a two-story auto sales/service building with 12,000sf of ground floor area (BPA No. 2008/09/25/2656), and construct a 13-story, 69-unit residential/commercial building with 12,000sf of ground floor area (BPA No. 2008/09/25/2660S).

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to adopt the revised findings.

SPEAKERS: David Silverman, attorney for permit holder.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-017**

REDA MAHFOUZ dba "ALIBABA SMOKE & GIFT SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	245A Columbus Avenue. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Feb. 11, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-018. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to uphold the suspension on the condition that it be reduced to fifteen (15) days. Motion failed due to lack of four votes; the 25-day suspension is upheld.

SPEAKERS: Andrew Jin, DPH; Alyonik Hrushow, DPH; Reda Malifouz, appellant.

PUBLIC COMMENT: The following people spoke in favor of the DPH: Joshua Pooner, Brian Stegner, Cecilia Ramirez, and Fahad Qurashi. Don Baker spoke in favor of the appellant.

(7) **APPEAL NO. 09-015**

JANICE HENNESSEY, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent Permit Holder: HAKIM IKARIOUEN	Protesting the suspension on Feb. 3, 2009, of Public Passenger Vehicle Permit (A-card) No. 86602. RESOLUTION NO. 2009-03. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to continue the matter to May 20, 2009, with the public hearing held and closed, with the suspension to remain in place post April 30, 2009, and for the parties to submit additional information pursuant to the Board's comments.

SPEAKERS: Jordanna Thigpen, SFMTA; Andrew Klimenko, attorney for appellant; Janice Hennessey, appellant; Thomas Wallace, attorney for permit holder.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-018**

SAQIB ZAHEER, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing a Determination of Ineligibility for Ramp Taxicab Medallion dated Feb. 2, 2009. LIST NO. 6-945. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the Determination of Ineligibility.

SPEAKERS: Jordanna Thigpen, SFMTA; Saqib Zaheer, appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 09-001**

JOERG WESTERMANN, KATHLEEN CROWLEY, RACHEL HOWARD, MARIO ESCOBAR, GAGE BOONE, ELANA MARGOLIS, BENJAMIN WACKS, AND JACKIE ESCOBAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1217 Florida Street. Protesting the issuance on Dec. 22, 2008, to David McClosky, Permit to Alter a Building (interior remodel of existing dwelling units; remodel bathrooms and kitchens; new window on south elevation; infill light well at east elevation; removal of partition walls). APPLICATION NO. 2008/12/16/8638. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to April 22, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 09-003**

7 - ELEVEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	652 Kearny Street. Appealing the denial on Jan. 6, 2009, of Permit to Alter a Building (interior ground floor and basement tenant improvements for 7-Eleven; construct service counters; storage shelf fixtures; coffee bar/drink station; new handicap restroom; reach-in refrigerator and sink). APPLICATION NO. 2008/03/05/6385. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to May 13, 2009, for the Board to consider the jurisdictional issues, and if necessary, hold a hearing on the merits on May 20, 2009.

SPEAKERS: Scott Sanchez, PD; Kyle LaLonde, attorney for appellant.

PUBLIC COMMENT: David Cincotta spoke in favor of the appellant. The following people spoke in favor of the PD: Rose Pak, David Huang, Tan Chow, and Cathie Lam.

1) **APPEAL NO. 09-016**

ANCY WUERFEL, Appellant(s) vs. EPT. OF BUILDING INSPECTION, Respondent	2514 – 23rd Avenue. Protesting the issuance on Jan. 29, 2009, to Mary Galvin, Permit to Alter a Building (structural work; first floor framing; new retaining wall / replace existing damaged wall; address complaint no. 200988255; in-kind window; shoring under separate permit prior to construction; obtain CAL OSHA permit prior to construction and excavation work). APPLICATION NO. 2009/01/27/0870. FOR HEARING TODAY.

CTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to ay 6, 2009.

PEAKERS: Laurence Kornfield, DBI; David Silverman, attorney for permit holder; Nancy Wuerfel, pellant.

UBLIC COMMENT: None.

DJOURNMENT.

ere being no further business, President Fung adjourned the meeting at 8:15 p.m.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 22, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 15, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 626 Kearny Street. Letter from Bashir Ghazialam, attorney for Hakim Haidarian and Donnie Baker, appellants, requesting rehearing of Appeal No. 08-184, Haidarian & Baker vs. DPH, decided Feb. 11, 2009. At that time, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold the DPH decision on condition that the suspension be reduced to seven days. Four votes being required to overturn a departmental action, the 15-day suspension by the DPH was upheld.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 977 Dolores Street. Appeal No. 08-187, Skeoch vs. DBI, PDD, decided Feb. 18, 2009. At that time, the Board voted 4-1 (Commissioner Mandelman dissented) to overrule the denial, grant the permit, with adoption of findings and conditions at a later time. Project: merge two of three units; demolish wall between stair to 3rd floor unit and entry to 2nd floor unit; demolish 3rd floor kitchen and convert to bedroom; convert utility room at 3rd floor to closet; BPA No. 2008/05/06/1361

(4c) **REHEARING REQUEST:**

Subject property at 940 Cayuga Avenue. Letter from William Tong, permit holder, requesting rehearing of Appeal No. 08-178, Pannos vs. DBI, PDA, decided March 25, 2009. At that time, the Board voted 5-0 to uphold the permit on condition that there be no firewall extending beyond the rear of the building. Appellant: Nancy Pannos. Project: comply with NOV No. 200846653 to legalize existing rear deck at 2nd floor; revision to approved BPA No. 2008/07/17/6920; reconfigure kitchen, dining and bedroom layout at 2nd floor; repair front stair; BPA No. 2008/11/10/6249.

(5) **APPEAL NO. 09-022**

JAKKEE BRYSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	**252 - 9th Street. Protesting the issuance on Jan. 28, 2009 (poster board for neighborhood notification re-issued on Feb. 12, 2009), Permit to Demolish a Building (one-story theater). APPLICATION NO. 2002/03/15/1580. FOR HEARING TODAY.**

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 09-005**

DONALD KRAUSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**786 - 792 - 21st Avenue. Protesting the issuance on Jan. 5, 2009, to Robert Ricci, Permit to Alter a Building (work at units 786 and 788 only; remodel two kitchens and two baths; change cabinets, counters, floors, toilet; repair sub floors, bath tub/shower). APPLICATION NO. 2009/01/05/9562. PUBLIC HEARING HELD AND CLOSED ON APRIL 1, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the permit holder to submit additional information as requested by the Board, and to allow time for the DBI to conduct a site visit.**

(6B) **APPEAL NO. 09-006**

PETER TRIPOUSIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**786 - 792 - 21st Avenue. Protesting the issuance on Jan. 5, 2009, to Robert Ricci, Permit to Alter a Building (work at units 786 and 788 only; remodel two kitchens and two baths; change cabinets, counters, floors, toilet; repair sub floors, bath tub/shower). APPLICATION NO. 2009/01/05/9562. PUBLIC HEARING HELD AND CLOSED ON APRIL 1, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the permit holder to submit additional information as requested by the Board, and to allow time for the DBI to conduct a site visit.**

(7) **APPEAL NO. 09-021**

TU LAM, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation of Public Passenger Vehicle Permit (A-card) No. 48151 and medallion No. 896. RESOLUTION NO. 2009-04. FOR HEARING TODAY.

(8) **APPEAL NO. 09-001**

JOERG WESTERMANN, KATHLEEN CROWLEY, RACHEL HOWARD, MARIO ESCOBAR, GAGE BOONE, ELANA MARGOLIS, BENJAMIN WACKS, AND JACKIE ESCOBAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1217 Florida Street. Protesting the issuance on Dec. 22, 2008, to David McClosky, Permit to Alter a Building (interior remodel of existing dwelling units; remodel bathrooms and kitchens; new window on south elevation; infill light well at east elevation; removal of partition walls). APPLICATION NO. 2008/12/16/8638. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 09-023**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650 - 2652 Hyde Street. Protesting the issuance on Jan. 28, 2009 (reinstated Feb. 12, 2009), to Douglas Greenwood, Permit to Alter a Building (comply with NOV No. 200877313; revise previous permit No. 2008/04/02/8610; remove brick foundation and siding to install new foundation work; after completion of work, replace in kind front faÃƒÂ§ade and landscape back to existing conditions). APPLICATION NO. 2008/11/04/5823. FOR HEARING TODAY.

(9B) **APPEAL NO. 09-024**

EDGAR BRINCAT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on Jan. 28, 2009 (reinstated Feb. 12, 2009), to Douglas Greenwood, Permit to Alter a Building (comply with NOV No. 200877313; revise previous permit No. 2008/04/02/8610; remove brick foundation and siding to install new foundation work; after completion of work, replace in kind front faÃƒÂ§ade and landscape back to existing conditions). APPLICATION NO. 2008/11/04/5823. FOR HEARING TODAY.

ADJOURNMENT.

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 17, 2009**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org . Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Ã‚Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

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4/22/09

MEETING MINUTES - WEDNESDAY, APRIL 22, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jordanna Thigpen, Enforcement and Legal Affairs Manager, Division of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

ABSENT: Commissioner Michael Garcia.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Laurence Kornfield, DBI, advised the Board of the recent death of DBI employee William Wong.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Goh indicated she likely will be absent from the July 8 or July 15 meeting of the Board.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 15, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to adopt the April 15, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 626 Kearny Street. Letter from Bashir Ghazialam, attorney for Hakim Haidarian and Donnie Baker, appellants, requesting rehearing of Appeal No. 08-184, Haidarian & Baker vs. DPH, decided Feb. 11, 2009. At that time, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold the DPH decision on condition that the suspension be reduced to seven days. Four votes being required to overturn a departmental action, the 15-day suspension by the DPH was upheld.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to reschedule the matter to June 17, 2009 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 977 Dolores Street. Appeal No. 08-187, Skeoch vs. DBI, PDD, decided Feb. 18, 2009. At that time, the Board voted 4-1 (Commissioner Mandelman dissented) to overrule the denial, grant the permit, with adoption of findings and conditions at a later time. Project: merge two of three units; demolish wall between stair to 3rd floor unit and entry to 2nd floor unit; demolish 3rd floor kitchen and convert to bedroom; convert utility room at 3rd floor to closet; BPA No. 2008/05/06/1361.

ACTION: Upon motion by President Fung, the Board voted 3 – 1 – 1 (Commissioner Mandelman dissented, and Commissioner Garcia absent) to adopt the findings as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4c) **REHEARING REQUEST:**

Subject property at 940 Cayuga Avenue. Letter from William Tong, permit holder, requesting rehearing of Appeal No. 08-178, Pannos vs. DBI, PDA, decided March 25, 2009. At that time, the Board voted 5-0 to uphold the permit on condition that there be no firewall extending beyond the rear of the building. Appellant: Nancy Pannos. Project: comply with NOV No. 200846653 to legalize existing rear deck at 2nd floor; revision to approved BPA No. 2008/07/17/6920; reconfigure kitchen, dining and bedroom layout at 2nd floor; repair front stair; BPA No. 2008/11/10/6249.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to deny the rehearing request.

SPEAKERS: William Tong, permit holder; Nancy Pannos, appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-022**

JAKKEE BRYSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	252 – 9th Street. Protesting the issuance on Jan. 28, 2009 (poster board for neighborhood notification re-issued on Feb. 12, 2009), Permit to Demolish a Building (one-story theater). APPLICATION NO. 2002/03/15/1580. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to reschedule the matter to May 13, 2009, at the request of the OCA.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 09-005**

DONALD KRAUSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	786 – 792 - 21st Avenue. Protesting the issuance on Jan. 5, 2009, to Robert Ricci, Permit to Alter a Building (work at units 786 and 788 only; remodel two kitchens and two baths; change cabinets, counters, floors, toilet; repair sub floors, bath tub/shower). APPLICATION NO. 2009/01/05/9562. PUBLIC HEARING HELD AND CLOSED ON APRIL 1, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the permit holder to submit additional information as requested by the Board, and to allow time for the DBI to conduct a site visit.**

(6B) **APPEAL NO. 09-006**

PETER TRIPOUSIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	786 – 792 - 21st Avenue. Protesting the issuance on Jan. 5, 2009, to Robert Ricci, Permit to Alter a Building (work at units 786 and 788 only; remodel two kitchens and two baths; change cabinets, counters, floors, toilet; repair sub floors, bath tub/shower). APPLICATION NO. 2009/01/05/9562. PUBLIC HEARING HELD AND CLOSED ON APRIL 1, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the permit holder to submit additional information as requested by the Board, and to allow time for the DBI to conduct a site visit.**

ACTION: Upon motion by Commissioner Mandelman, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to uphold the permit on the condition that the scope of work be limited to correction of pending DBI Notices of Violation in unit 786, that no displacement of tenant take place except insofar as abatement of hazardous mold conditions may require it based on consultation with DBI, and that smoke detectors be installed; all work in unit 788 is to be eliminated from permit.

SPEAKERS: Laurence Kornfield, DBI; Elizabeth Erhardt, attorney for permit holder, Donald Krause, appellant; Peter Tripousis, appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-021**

TU LAM, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation of Public Passenger Vehicle Permit (A-card) No. 48151 and medallion No. 896. RESOLUTION NO. 2009-04. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to reschedule the matter to May 6, 2009.

SPEAKERS: Jordanna Thigpen, SFMTA.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-001**

JOERG WESTERMANN, KATHLEEN CROWLEY, RACHEL HOWARD, MARIO ESCOBAR, GAGE BOONE, ELANA MARGOLIS, BENJAMIN WACKS, AND JACKIE ESCOBAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1217 Florida Street. Protesting the issuance on Dec. 22, 2008, to David McClosky, Permit to Alter a Building (interior remodel of existing dwelling units; remodel bathrooms and kitchens; new window on south elevation; infill light well at east elevation; removal of partition walls). APPLICATION NO. 2008/12/16/8638. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to reschedule the matter to May 6, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 09-023**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on Jan. 28, 2009 (reinstated Feb. 12, 2009), to Douglas Greenwood, Permit to Alter a Building (comply with NOV No. 200877313; revise previous permit No. 2008/04/02/8610; remove brick foundation and siding to install new foundation work; after completion of work, replace in kind front façade and landscape back to existing conditions). APPLICATION NO. 2008/11/04/5823. FOR HEARING TODAY.

(9B) **APPEAL NO. 09-024**

EDGAR BRINCAT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on Jan. 28, 2009 (reinstated Feb. 12, 2009), to Douglas Greenwood, Permit to Alter a Building (comply with NOV No. 200877313; revise previous permit No. 2008/04/02/8610; remove brick foundation and siding to install new foundation work; after completion of work, replace in kind front façade and landscape back to existing conditions). APPLICATION NO. 2008/11/04/5823. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to continue the matter to May 13, 2009, with the public hearing held and closed, to allow time for Board members to conduct site visits.

SPEAKERS: Edgar Brincat, appellant; Ellen Tsang, agent for appellant Arza Trust; Joe Butler, agent for appellants; John Pollard, agent for permit holder; Laurence Kornfield, DBI; Joe Duffy, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 7:30 p.m.

Meeting Information

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for April 29, 2009. The next regular meeting is scheduled for **Wednesday, May 6, 2009, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **April 24, 2009**

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Meeting Information

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 6, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Â†Â†SPECIAL NOTICE: NO APPEALS WILL BE HEARD AFTER 6:30 P.M.Â...Â...

(1) **ADDENDUM ITEMS:**

(1a) **REHEARING REQUEST:**

Determination of Ineligibility for Ramp Taxi Medallion. Letter from Ligia Parmenter, attorney for Masoud Charsoughi, appellant, requesting rehearing of Appeal No. 08-180, Charsoughi vs. MTA DTAS, decided April 1, 2009. At that time, the Board voted 5-0 to uphold the MTA's decision which found Masoud Charsoughi to be ineligible for a ramp taxi medallion.

(2) **APPEAL NO. 09-007**

SAAL ASSOCIATES LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	**23 Franklin Street. Appealing the denial on Jan. 6, 2009, of Permit to Alter a Building (replace lawful non-conforming wood and steel structure with vinyl sign; identical size and location as the sign removed; sign removed under tenant Clear Channel Outdoor's permit #2008/02/06/4212). APPLICATION NO. 2008/10/17/4469. FOR HEARING TODAY.**

(3) **APPEAL NO. 09-025**

GLASS PROPERTIES LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	**256 Laguna Honda Blvd. Appealing a Notice of Violation dated Feb. 12, 2009, regarding allegations of illegal commercial activities occurring at the subject property, in violation of Planning Code Â§Â§ 186, 204.1 and 209.1. FOR HEARING TODAY.**

(4) **APPEAL NO. 09-026**

CLEAR CHANNEL OUTDOOR, Appellant(s) vs.	**4715 Geary Blvd.**

DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	**Appealing the denial on March 5, 2009, of Permit to Alter a Building (remove sign voluntarily). APPLICATION NO. 2009/01/05/9546. FOR HEARING TODAY.**

(5) PUBLIC COMMENT:

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(6) COMMISSIONERS COMMENTS & QUESTIONS:

(7) ADOPTION OF MINUTES:

Discussion and possible adoption of the April 22, 2009 minutes.

ADJOURNMENT.

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Date posted: **May 1, 2009**

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at 415) 554-7854; or by e-mail at sotf@sfgov.org . Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

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DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 6, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Tara Sullivan, Planner, Planning Department (PD); Jordanna Thigpen, Enforcement and Legal Affairs Manager, Division of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Cynthia Goldstein, Executive Director; Manuel Payes, Clerk Typist.

ABSENT: Commissioner Michael Garcia and Victor Pacheco, Legal Assistant.

/09

(1) **ADDENDUM ITEMS:**

(1a) **REHEARING REQUEST:**

Determination of Ineligibility for Ramp Taxi Medallion. Letter from Ligia Parmenter, attorney for Masoud Charsoughi, appellant, requesting rehearing of Appeal No. 08-180, Charsoughi vs. MTA DTAS, decided April 1, 2009. At that time, the Board voted 5-0 to uphold the MTA's decision which found Masoud Charsoughi to be ineligible for a ramp taxi medallion.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to deny the rehearing request.

SPEAKERS: Ligia Parmenter, attorney for appellant; Jordanna Thigpen, SFMTA.

PUBLIC COMMENT: None.

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(2) **APPEAL NO. 09-007**

SAAL ASSOCIATES LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	23 Franklin Street. Appealing the denial on Jan. 6, 2009, of Permit to Alter a Building (replace lawful non-conforming wood and steel structure with vinyl sign; identical size and location as the sign removed; sign removed under tenant Clear Channel Outdoor's permit #2008/02/06/4212). APPLICATION NO. 2008/10/17/4469. FOR HEARING TODAY.

Withdrawn prior to hearing.

(3) **APPEAL NO. 09-025**

GLASS PROPERTIES LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	256 Laguna Honda Blvd. Appealing a Notice of Violation dated Feb. 12, 2009, regarding allegations of illegal commercial activities occurring at the subject property, in violation of Planning Code §§ 186, 204.1 and 209.1. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Peterson, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to continue the matter to June 10, 2009, and appellants to provide additional information on how they will maintain adequate control of noise, odor, and other nuisance factors.

SPEAKERS: Tara Sullivan, PD; Steve Williams, agent for appellant; Ron Dumont, appellant.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 09-026**

CLEAR CHANNEL OUTDOOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	4715 Geary Blvd. Appealing the denial on March 5, 2009, of Permit to Alter a Building (remove sign voluntarily). APPLICATION NO. 2009/01/05/9546. FOR HEARING TODAY.

Withdrawn prior to hearing.

(5) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(6) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Vice President Peterson thanked everyone for accommodating her need to leave early.

(7) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 22, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia absent) to adopt the April 22, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 6:00 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 13, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

2) **COMMISSIONER COMMENTS & QUESTIONS:**

3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 6, 2009 minutes.

4) **APPEAL NO. 09-027**

BRAHIM ALHAJ dba "CHURCH STREET MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	301A Church Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 11, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-025. FOR HEARING TODAY.

05-12-09A08:16 RCVD

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(5) **APPEAL NO. 09-022**

JAKKEE BRYSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	252 – 9th Street. Protesting the issuance on Jan. 28, 2009 (poster board for neighborhood notification re-issued on Feb. 12, 2009), Permit to Demolish a Building (one-story theater). APPLICATION NO. 2002/03/15/1580. FOR HEARING TODAY.

(6) **APPEAL NO. 09-003**

7 - ELEVEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	652 Kearny Street. Appealing the denial on Jan. 6, 2009, of Permit to Alter a Building (interior ground floor and basement tenant improvements for 7-Eleven; construct service counters; storage shelf fixtures; coffee bar/drink station; new handicap restroom; reach-in refrigerator and sink). APPLICATION NO. 2008/03/05/6385. FOR HEARING TODAY. **Note: The Board shall consider jurisdictional arguments from the parties, and shall not conduct a hearing on the merits. Said hearing on the merits, if held, shall take place on May 20, 2009.**

(7) **APPEAL NO. 09-010**

JOSEPH & KATHLEEN HOEGGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Burlwood Drive. Protesting the issuance on Jan. 21, 2009, to Peter Wong, Permit to Alter a Building (install concrete retaining wall; comply with NOV No. 200882654). APPLICATION NO. 2009/01/21/0550. PUBLIC HEARING HELD AND CLOSED ON MARCH 25, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the permit holder to confer with DBI and Planning Staff.**

TEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

3A) **APPEAL NO. 09-023**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on Jan. 28, 2009 (reinstated Feb. 12, 2009), to Douglas Greenwood, Permit to Alter a Building (comply with NOV No. 200877313; revise previous permit No. 2008/04/02/8610; remove brick foundation and siding to install new foundation work; after completion of work, replace in kind front façade and landscape back to existing conditions). APPLICATION NO. 2008/11/04/5823. PUBLIC HEARING HELD AND CLOSED ON APRIL 22, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Board members to conduct individual site visits.**

3B) **APPEAL NO. 09-024**

EDGAR BRINCAT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on Jan. 28, 2009 (reinstated Feb. 12, 2009), to Douglas Greenwood, Permit to Alter a Building (same description as Appeal 09-023). APPLICATION NO. 2008/11/04/5823. PUBLIC HEARING HELD AND CLOSED ON APRIL 22, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Board members to conduct individual site visits.**

'EM (9A) & (9B) SHALL BE HEARD TOGETHER:

9A) **APPEAL NO. 09-038**

BRAHMA SWAMI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Bayshore Blvd. Protesting the issuance on April 3, 2009, to Universal Paragon Corp., Permit to Demolish a Building (two-story warehouse). APPLICATION NO. 2008/12/02/7604. FOR HEARING TODAY.

(9B) **APPEAL NO. 09-039**

BRAHMA SWAMI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Bayshore Blvd. Protesting the issuance on April 3, 2009, to Universal Paragon Corp., Permit to Demolish a Building (one-story warehouse). APPLICATION NO. 2008/12/02/7611. FOR HEARING TODAY.

(10) **SPECIAL ITEM:**

Presentation by Planning Dept. staff regarding proposals for Discretionary Review (DR) reform.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 8, 2009**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 13, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Craig Nikitas, Senior Planner, Planning Department (PD); Dr. Johnson Ojo, Environmental Health Services, San Francisco Department of Public Health (DPH); Alyonik Hrushow (DPH); Cynthia Goldstein, Executive Director; Manuel Payes, Clerk Typist.

ABSENT: Vice President Tanya Peterson; Victor Pacheco, Legal Assistant.

1) **PUBLIC COMMENT:**

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SPEAKERS: None.

2) **COMMISSIONER COMMENTS & QUESTIONS:**

PEAKERS: None.

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3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 6, 2009 minutes.

CTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson osent) to adopt the May 6, 2009 minutes.

PEAKERS: None.

UBLIC COMMENT: None.

(4) **APPEAL NO. 09-027**

IBRAHIM ALHAJ dba "CHURCH STREET MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	301A Church Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 11, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-025. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to continue the matter to June 10, 2009 to allow time for the City Attorney to research how the Board may review and keep confidential the license and other photographs of the undercover decoy used in this matter, to allow the Department of Public Health to provide this license and photographs, and to allow the appellant time to provide evidence of financial hardship.

SPEAKERS: Dr. Johnson Ojo, DPH; Alyonik Hrushow, DPH; Victor Fadayel, agent for appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-022**

JAKKEE BRYSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	252 – 9th Street. Protesting the issuance on Jan. 28, 2009 (poster board for neighborhood notification re-issued on Feb. 12, 2009), Permit to Demolish a Building (one-story theater). APPLICATION NO. 2002/03/15/1580. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 3 – 1 – 1 (President Fung dissenting and Vice President Peterson absent) to continue this item to the call of the chair to allow time to resolve the use of a Categorical Exemption for a potential historic resource.

SPEAKERS: Jakkee Bryson, appellant; Stanley Chia, permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-003**

7 - ELEVEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	652 Kearny Street. Appealing the denial on Jan. 6, 2009, of Permit to Alter a Building (interior ground floor and basement tenant improvements for 7-Eleven; construct service counters; storage shelf fixtures; coffee bar/drink station; new handicap restroom; reach-in refrigerator and sink). APPLICATION NO. 2008/03/05/6385. FOR HEARING TODAY. **Note: The Board shall consider jurisdictional arguments from the parties, and shall not conduct a hearing on the merits. Said hearing on the merits, if held, shall take place on May 20, 2009.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to dismiss the appeal for lack of subject matter jurisdiction, and alternatively, to deny the permit for lack of conditional use authorization, with findings to be considered for adoption on June 17, 2009.

SPEAKERS: Kyle LaLonde, attorney for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-010**

JOSEPH & KATHLEEN HOEGGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Burlwood Drive. Protesting the issuance on Jan. 21, 2009, to Peter Wong, Permit to Alter a Building (install concrete retaining wall; comply with NOV No. 200882654). APPLICATION NO. 2009/01/21/0550. PUBLIC HEARING HELD AND CLOSED ON MARCH 25, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the permit holder to confer with DBI and Planning Staff.**

ACTION: Upon motion by Commissioner Mandelman, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to uphold the permit based on the revised plans presented at hearing reflecting the additional notes added by DBI Deputy Director Laurence Kornfield.

SPEAKERS: Ken Hoegger, appellant; Peter Wong, permit holder; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 09-023**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on Jan. 28, 2009 (reinstated Feb. 12, 2009), to Douglas Greenwood, Permit to Alter a Building (comply with NOV No. 200877313; revise previous permit No. 2008/04/02/8610; remove brick foundation and siding to install new foundation work; after completion of work, replace in kind front façade and landscape back to existing conditions). APPLICATION NO. 2008/11/04/5823. PUBLIC HEARING HELD AND CLOSED ON APRIL 22, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Board members to conduct individual site visits.**

(8B) **APPEAL NO. 09-024**

EDGAR BRINCAT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on Jan. 28, 2009 (reinstated Feb. 12, 2009), to Douglas Greenwood, Permit to Alter a Building (same description as Appeal 09-023). APPLICATION NO. 2008/11/04/5823. PUBLIC HEARING HELD AND CLOSED ON APRIL 22, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Board members to conduct individual site visits.**

ACTION: Upon motion by Commissioner Goh, the Board voted 2 – 2 – 1 (President Fung and Commissioner Garcia dissenting and Vice President Peterson absent) to grant the appeal and overturn the permit. This motion failed for lack of four votes and the permit is upheld.

SPEAKERS: Ellen Tsang, appellant; Joe Butler, agent for appellants; John Pollard, agent for permit holder; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: None.

ITEM (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 09-038**

BRAHMA SWAMI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Bayshore Blvd. Protesting the issuance on April 3, 2009, to Universal Paragon Corp., Permit to Demolish a Building (two-story warehouse). APPLICATION NO. 2008/12/02/7604. FOR HEARING TODAY.

(9B) **APPEAL NO. 09-039**

BRAHMA SWAMI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Bayshore Blvd. Protesting the issuance on April 3, 2009, to Universal Paragon Corp., Permit to Demolish a Building (one-story warehouse). APPLICATION NO. 2008/12/02/7611. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to uphold the permits on the condition that building slabs and foundations shall not be removed until the California Department of Toxic Substances control (DTSC) has approved the Air Monitoring Plan, Dust Control Plan and Soil Management Plan.

SPEAKERS: Robert Garcia, attorney for appellant; Brahma Swami, appellant; Allan Abshez, attorney for permit holder; Mary Hashem, agent for permit holder; Karen Toth, California Department of Toxic Substances Control; Tom Evans, San Francisco Redevelopment Agency; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: The following people spoke in favor of the permit holder: Fran Martin, Christopher Barnett, Anne Seeman, Russel Morine, Terry Anders, Mindy Kener.

(10) **SPECIAL ITEM:**

Presentation by Planning Dept. staff regarding proposals for Discretionary Review (DR) reform.

SPEAKERS: Craig Nikitas, PD.

PUBLIC COMMENT: Joe Butler.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 9:55 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 20, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

) **COMMISSIONER COMMENTS & QUESTIONS**

) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 13, 2009 minutes.

) **ADDENDUM ITEMS:**

a) **REHEARING REQUESTS:**

Subject property at 1450 Franklin Street and 1581 Bush Street. Letter from Jack Gold and Charles Olson, agents for appellant, San Francisco Architectural Heritage (SFAH), requesting rehearing of Appeal Nos. 08-188/189, SFAH vs. DBI, RAA. On Feb. 18, 2009, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold both permits with adoption of findings at a later time, and on condition that there be ten (10) affordable units. Four votes being required under the City Charter to impose conditions on a departmental action, the permits were upheld with no conditions and with adoption of findings at a later time. Subsequently, on April 15, 2009, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to adopt the revised findings. Permit Holder: Pacific Heights Franklin Partners LLC. Project: demolish a two-story auto sales/service building with 12,000sf of ground floor area (BPA No. 2008/09/25/2656), and construct a 13-story, 69-unit residential/commercial building with 12,000sf of ground floor area (BPA No. 2008/09/25/2660S).

05-15-09P01:30 RCVD

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(5) **APPEAL NO. 09-028**

SILVER ARCO, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2190 Carroll Avenue. Appealing a fifty (50) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 11, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-024. FOR HEARING TODAY.

(6) **APPEAL NO. 09-015**

JANICE HENNESSEY, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent Permit Holder: HAKIM IKARIOUEN	Protesting the suspension on Feb. 3, 2009, of Public Passenger Vehicle Permit (A-card) No. 86602. RESOLUTION NO. 2009-03. PUBLIC HEARING HELD AND CLOSED. FOR FURTHER CONSIDERATION TODAY. **Note: The suspension of the subject permit (A-card) shall remain in place post April 30, 2009. Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.**

(7) **APPEAL NO. 09-021**

TU LAM, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation of Public Passenger Vehicle Permit (A-card) No. 48151 and medallion No. 896. RESOLUTION NO. 2009-04. FOR HEARING TODAY.

(8) **APPEAL NO. 09-029**

CBS OUTDOOR INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: TONY AZZOLINI	885 Bryant Street. Appealing a Letter of Determination dated March 11, 2009, regarding BPA No. 2008/02/23/4752 for the deconstruction and replacement of a rooftop general advertising sign at the subject property. FOR HEARING TODAY.

9) **APPEAL NO. 09-030**

FRANCES LUI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1661 43rd Avenue. Appealing the imposition of penalty on March 22, 2009, for construction work done without a permit. APPLICATION NO. 2009/03/18/4358. FOR HEARING TODAY.

ADJOURNMENT.

lote A: Each item on this agenda may include the following documents: 1) Preliminary Statement f Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief;) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of iolation; and 5) Correspondence. These items are available for public inspection at the Board's ffice during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

lote B: If any materials related to an item on this agenda have been distributed to the Board ıembers after distribution of the agenda packet, those materials are available for public inspection t the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission treet, Room 304).

lease call 415-575-6880 if you have any questions concerning this agenda.

ate posted: **May 20, 2009**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 20, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Sgt. Ron Reynolds, San Francisco Police Department (SFPD); Jordanna Thigpen, Enforcement and Legal Affairs Manager, Division of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Dr. Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Alyonik Hrushow, Tobacco Free Project (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Elena Rogan, David Silverman and Scott Sanchez (PD) discussed ongoing issues associated with closed appeal file number 08-049 regarding the property located at 770 18th Avenue. Mr. Sanchez stated that an enforcement planner was assigned to investigate the concerns raised about the property. Commissioner Mandelman requested that Planning provide an update to the Board on the outcome of the investigation.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 13, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the May 13, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUESTS:**

Subject property at 1450 Franklin Street and 1581 Bush Street. Letter from Jack Gold and Charles Olson, agents for appellant, San Francisco Architectural Heritage (SFAH), requesting rehearing of Appeal Nos. 08-188/189, SFAH vs. DBI, RAA. On Feb. 18, 2009, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold both permits with adoption of findings at a later time, and on condition that there be ten (10) affordable units. Four votes being required under the City Charter to impose conditions on a departmental action, the permits were upheld with no conditions and with adoption of findings at a later time. Subsequently, on April 15, 2009, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to adopt the revised findings. Permit Holder: Pacific Heights Franklin Partners LLC. Project: demolish a two-story auto sales/service building with 12,000sf of ground floor area (BPA No. 2008/09/25/2656), and construct a 13-story, 69-unit residential/commercial building with 12,000sf of ground floor area (BPA No. 2008/09/25/2660S).

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to deny the rehearing request.

SPEAKERS: Jack Gold, agent for appellant; David Silverman, attorney for permit holder.

PUBLIC COMMENT: Arnold Townsend spoke in favor of the permit holder.

(5) **APPEAL NO. 09-028**

SILVER ARCO, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2190 Carroll Avenue. Appealing a fifty (50) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 11, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-024. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Peterson, the Board voted 4 – 1 (Commissioner Mandelman dissented) to uphold the suspension on the condition that the permit be suspended for thirty (30) days.

SPEAKERS: Dr. Johnson Ojo, DPH; Alyonik Hrushow, DPH; Stephen Ng, appellant.

PUBLIC COMMENT: None.

(5a) **CLOSED SESSION (anticipated to last no more than 10 minutes)**:

SILVER ARCO vs. DEPT. OF PUBLIC HEALTH

Open Session:

Public Comment (on all matters pertaining to the closed session item)

- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.

- ii) Closed Session to review confidential identification card and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.

- Reconvene in Open Session:

iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).

iv) No action will be taken during closed session.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 (Vice President Peterson dissented) to convene in closed session. The closed session was attended by: President Fung, Vice President Peterson, Commissioner Garcia, Commissioner Goh, Commissioner Mandelman, Cynthia Goldstein, Victor Pacheco, Manuel Payes, Cathy Barnes (OCA), Dr. Johnson Ojo (DPH), and Stephen Ng, appellant. Afterwards, upon motion by Commissioner Garcia, the Board voted 5 – 0 to not disclose the content of discussions held in the closed session. No action was taken during the closed session.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-015**

JANICE HENNESSEY, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent Permit Holder: HAKIM IKARIOUEN	Protesting the suspension on Feb. 3, 2009, of Public Passenger Vehicle Permit (A-card) No. 86602. RESOLUTION NO. 2009-03. PUBLIC HEARING HELD AND CLOSED. FOR FURTHER CONSIDERATION TODAY. **Note: The suspension of the subject permit (A-card) shall remain in place post April 30, 2009. Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by Vice President Peterson, the Board voted 5 – 0 to overrule the suspension and revoke the permit (A-card), with adoption findings at a later time.

SPEAKERS: Jordanna Thigpen, SFMTA; Sgt. Ron Reynolds, SFPD; Janice Hennessey, appellant; Dennis Cashman, attorney for permit holder; Hakim Ikariouen, permit holder; Andrew Klimenko, attorney for appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-021**

TU LAM, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation of Public Passenger Vehicle Permit (A-card) No. 48151 and medallion No. 896. RESOLUTION NO. 2009-04. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the revocation of the subject A-card and subject medallion.

SPEAKERS: Jordanna Thigpen, SFMTA; appellant did not appear.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-029**

CBS OUTDOOR INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: TONY AZZOLINI	885 Bryant Street. Appealing a Letter of Determination dated March 11, 2009, regarding BPA No. 2008/02/23/4752 for the deconstruction and replacement of a rooftop general advertising sign at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to June 3, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 09-030**

FRANCES LUI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1661 43rd Avenue. Appealing the imposition of penalty on March 22, 2009, for construction work done without a permit. APPLICATION NO. 2009/03/18/4358. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Commissioner Mandelman dissented) to reduce the penalty to four times (4X) the original fee.

SPEAKERS: Laurence Kornfield, DBI; Frances Lui, appellant.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 8:00 p.m.

P U B L I C N O T I C E

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/27/09
cancelled

The Board of Appeals has not scheduled a meeting for May 27, 2009. The next regular meeting is scheduled for **Wednesday, June 3, 2009, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **May 22, 2009**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 3, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 20, 2008 minutes.

(4) **SPECIAL ITEM:**

Presentation by staff of the Mayor's Office on Disability.

05-29-09P02:10 RCVD

(5) **ADDENDUM ITEMS:** None.

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(6) **APPEAL NO. 09-012**

ALAN REVERE, NANCY BARAN, BART KYLSTRA, JEFF WILKINSON, STEVE SIMONS, RICHARD SERRAO, STACY THAL, R. SAMUEL KLATCHKO, STEPHEN YI-KRAWCZYK, & YU LING CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	170-172 Clara Street. Protesting the issuance on Jan. 16, 2009, to Fritz Schneider, Permit to Alter a Building (seismic upgrade; enclose storage, add exterior courtyard, new stair, new ADA bathroom, and new storage on level one; remove portion of level two floor, new stair, new bathroom, and new storage on level two; add skylights; new roof access with perimeter parapet). APPLICATION NO. 2007/12/31/1629. PUBLIC HEARING HELD AND CLOSED ON MARCH 25, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the Planning Dept. to process § 312 notification in regards to the phase two building permit.**

(7) **APPEAL NO. 09-029**

CBS OUTDOOR INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: TONY AZZOLINI	885 Bryant Street. Appealing a Letter of Determination dated March 11, 2009, regarding BPA No. 2008/02/23/4752 for the deconstruction and replacement of a rooftop general advertising sign at the subject property. FOR HEARING TODAY.

(8) **APPEAL NO. 09-031**

JEFFREY & SOPHIE LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1430 Larkin Street. Appealing the imposition of penalty on March 20, 2009, for electrical work done without a permit. APPLICATION NO. E2009/03/20/7901. FOR HEARING TODAY.

(9) **APPEAL NO. 09-032**

AMY MARTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1700 Golden Gate Avenue #1. Protesting the issuance on March 25, 2009, to Bill Cody, Permit to Alter a Building ("rooms down" alteration; install spiral stair in apt. unit down to basement level; convert basement to habitable rooms, two bedrooms and one bathroom; no alteration to envelope; alterations for one apt. unit only). APPLICATION NO. 2009/03/03/3192. FOR HEARING TODAY.

(10) **APPEAL NO. 09-033**

JOYCE NARDONE, LYNN MORGAN, PATRICK GAFFNEY, & BETH WILSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	101 Frederick Street. Protesting the issuance on Feb. 4, 2009, to Thomas Mitchell, Permit to Alter a Building (in all units relocate kitchen to dining area; convert kitchen to bedrooms; replace shower pans; rebuild rear stair in kind; repair dry rot damage to exterior wall). APPLICATION NO. 2009/02/03/1315. JURISDICTION GRANTED MARCH 25, 2009 FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 29, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 3, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Tara Sullivan, Planner, Planning Department (PD); John Purvis, Planner, Planning Department (PD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Raquel Fox expressed concern that the wheelchair lift at the front entrance to City Hall is out of service. President Fung asked the Executive Director to bring this to the attention of City Hall facilities management.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 20, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the May 20, 2009 minutes as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Presentation by staff of the Mayor's Office on Disability.

SPEAKERS: Susan Mizner, Executive Director, Mayor's Office on Disability and Mariam Morley, Deputy City Attorney presented information to the Board on the Americans with Disabilities Act and other laws and policies related to disability access.

PUBLIC COMMENT: None.

(5) **ADDENDUM ITEMS:** None.

(6) **APPEAL NO. 09-012**

ALAN REVERE, NANCY BARAN, BART KYLSTRA, JEFF WILKINSON, STEVE SIMONS, RICHARD SERRAO, STACY THAL, R. SAMUEL KLATCHKO, STEPHEN YI-KRAWCZYK, & YU LING CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	170-172 Clara Street. Protesting the issuance on Jan. 16, 2009, to Fritz Schneider, Permit to Alter a Building (seismic upgrade; enclose storage, add exterior courtyard, new stair, new ADA bathroom, and new storage on level one; remove portion of level two floor, new stair, new bathroom, and new storage on level two; add skylights; new roof access with perimeter parapet). APPLICATION NO. 2007/12/31/1629. PUBLIC HEARING HELD AND CLOSED ON MARCH 25, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the Planning Dept. to process § 312 notification in regards to the phase two building permit.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the permit with conditions and findings as amended.

SPEAKERS: Laurence Kornfield, DBI; Tara Sullivan, Planner, PD; Brett Gladstone, attorney for permit holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-029**

CBS OUTDOOR INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: TONY AZZOLINI	885 Bryant Street. Appealing a Letter of Determination dated March 11, 2009, regarding BPA No. 2008/02/23/4752 for the deconstruction and replacement of a rooftop general advertising sign at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Vice President Peterson dissented) to uphold the Letter of Determination.

SPEAKERS: Arthur Coon, attorney for appellant; John Purvis, PD; Tara Sullivan, Planner, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-031**

JEFFREY & SOPHIE LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1430 Larkin Street. Appealing the imposition of penalty on March 20, 2009, for electrical work done without a permit. APPLICATION NO. E2009/03/20/7901. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Commissioner Mandelman dissented) to reduce the penalty to five times (5X) the original fee.

SPEAKERS: Laurence Kornfield, DBI; Sophie Lau, appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 09-032**

AMY MARTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1700 Golden Gate Avenue #1. Protesting the issuance on March 25, 2009, to Bill Cody, Permit to Alter a Building ("rooms down" alteration; install spiral stair in apt. unit down to basement level; convert basement to habitable rooms, two bedrooms and one bathroom; no alteration to envelope; alterations for one apt. unit only). APPLICATION NO. 2009/03/03/3192. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Appellant and permit holder did not appear.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 09-033**

JOYCE NARDONE, LYNN MORGAN, PATRICK GAFFNEY, & BETH WILSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	101 Frederick Street. Protesting the issuance on Feb. 4, 2009, to Thomas Mitchell, Permit to Alter a Building (in all units relocate kitchen to dining area; convert kitchen to bedrooms; replace shower pans; rebuild rear stair in kind; repair dry rot damage to exterior wall). APPLICATION NO. 2009/02/03/1315. JURISDICTION GRANTED MARCH 25, 2009 FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the permit on the condition that: a) items 1 and 2 of the scope of work (relocate kitchen to dining area, convert kitchen to bedrooms) be struck from permit; b) the shower pans identified in item 3 be replaced only if upon testing it is deemed required; and c) permit holder provide the termite reports referenced at hearing to the appellants. At the request of President Fung, this matter will be calendared on the Board's June 10, 2009 agenda as a Motion to Rehear and Possible Rehearing for the sole purpose of correcting and clarifying the Board's action with respect to its application to any vacant unit(s) at the property.

SPEAKERS: Paul Wick, agent for appellants; Raquel Fox, attorney for appellants; Joyce Nardone, appellant; Patrick Gaffney, appellant; Lynn Morgan, appellant; Thomas Mitchell, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 8:05 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 10, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 3, 2009 minutes.

(4) **MOTION TO REHEAR AND POSSIBLE REHEARING TO CLARIFY DETERMINATION:**

Subject property at 101 Frederick Street. At the Request of the Board President, Motion to Rehear and possible Rehearing, of Appeal No. 09-033, Nardone, et al., v. DBI, for the sole purpose of correcting and clarifying the Board's action on June 3, 2009. On June 3, 2009, the Board heard an appeal of a permit by three tenants. The Board voted 5-0 to uphold the permit on the condition that (a) items 1 and 2 of the scope of work be stricken from the permit; (b) the shower pans identified in item 3 be replaced only if upon testing it is deemed required; and (c) permit holder provide the termite reports referenced at hearing to the appellants. The Board did not address or make any findings concerning whether items 1 and 2 of the scope of work authorized under the permit would be allowed for vacant unit(s) at the property.

(5) **APPEAL NO. 09-027**

IBRAHIM ALHAJ dba "CHURCH STREET MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	301A Church Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 11, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-025. PUBLIC HEARING HELD AND CLOSED ON MAY 13, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.**

(5a) **CLOSED SESSION (anticipated to last no more than 10 minutes):**

IBRAHIM ALHAJ dba "CHURCH STREET MARKET" vs. DEPT. OF PUBLIC HEALTH

Open Session:

Public Comment (on all matters pertaining to the closed session item)

- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.

- ii) Closed Session to review confidential identification card and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.

- Reconvene in Open Session:

iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).

iv) No action will be taken during closed session.

(6) **APPEAL NO. 09-035**

MOUNT ZION BAPTIST CHURCH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Oak Street. Appealing the denial on April 6, 2009, of Tree Removal Permit. ORDER NO. 177,942. FOR HEARING TODAY.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-173**

HILDA FALKENSTEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244A Mason Street. Protesting the issuance on Nov. 6, 2008, to Transition LLC, Permit to Alter a Building (kitchen and bath remodel; add new closets; install new kitchen appliances; new lights; all work in unit 2244A; remove windows over existing sink). APPLICATION NO. 2008/09/24/2527. PUBLIC HEARING HELD AND CLOSED ON JAN. 21, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations.**

(7B) **APPEAL NO. 08-174**

CASSI WRIGHT, REBECCA CHENG & ELIZABETH ERNST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244 Mason Street. Protesting the issuance on Nov. 6, 2008, to Transition LLC, Permit to Alter a Building (kitchen and bath remodel; add new closets; install new kitchen appliances; install new light and outlets at kitchen, bathroom /living room area; relocate bathroom fixtures; reconfigure layout; convert kitchen/dining room into kitchen/living room; relocate bedroom to front). APPLICATION NO. 2008/09/19/2166. PUBLIC HEARING HELD AND CLOSED ON JAN. 21, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations.**

(8) **APPEAL NO. 09-025**

GLASS PROPERTIES LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	256 Laguna Honda Blvd. Appealing a Notice of Violation dated Feb. 12, 2009, regarding allegations of illegal commercial activities occurring at the subject property, in violation of Planning Code §§ 186, 204.1 and 209.1. PUBLIC HEARING HELD AND CLOSED ON May 6, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to submit additional information pursuant to the Board's comments.**

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 5, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 10, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Tara Sullivan, Planner, Planning Department (PD); Dr. Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Carla Short, Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

10/09

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 3, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the June 3, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **MOTION TO REHEAR AND POSSIBLE REHEARING TO CLARIFY DETERMINATION:**

Subject property at 101 Frederick Street. At the Request of the Board President, Motion to Rehear and possible Rehearing, of Appeal No. 09-033, Nardone, et al., v. DBI, for the sole purpose of correcting and clarifying the Board's action on June 3, 2009. On June 3, 2009, the Board heard an appeal of a permit by three tenants. The Board voted 5-0 to uphold the permit on the condition that (a) items 1 and 2 of the scope of work be stricken from the permit; (b) the shower pans identified in item 3 be replaced only if upon testing it is deemed required; and (c) permit holder provide the termite reports referenced at hearing to the appellants. The Board did not address or make any findings concerning whether items 1 and 2 of the scope of work authorized under the permit would be allowed for vacant unit(s) at the property.

ACTION: Upon motion by President Fung, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to rehear the matter (at the Board's request). With four (4) votes required, the motion to rehear is denied, and the Board's motion of June 3, 2009 is upheld. The parties' Rehearing request period begins as of June 10, 2009.

SPEAKERS: Paul Wick, agent for appellants; Raquel Fox, attorney for appellants; Joyce Nardone, appellant; Lynn Morgan, appellant; Thomas Mitchell, permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-027**

IBRAHIM ALHAJ dba "CHURCH STREET MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	301A Church Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 11, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-025. PUBLIC HEARING HELD AND CLOSED ON MAY 13, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to uphold the suspension on the condition that said suspension be reduced to twenty-five (25) days.

SPEAKERS: Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(5a) **CLOSED SESSION (anticipated to last no more than 10 minutes):**

IBRAHIM ALHAJ dba "CHURCH STREET MARKET" vs. DEPT. OF PUBLIC HEALTH
Open Session:
Public Comment (on all matters pertaining to the closed session item)
- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.
- ii) Closed Session to review confidential identification card and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.
- Reconvene in Open Session:
iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).
iv) No action will be taken during closed session.

This item was not called.

(6) **APPEAL NO. 09-035**

MOUNT ZION BAPTIST CHURCH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Oak Street. Appealing the denial on April 6, 2009, of Tree Removal Permit. ORDER NO. 177,942. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 2 (President Fung and Vice President Peterson dissented) to uphold the denial.

SPEAKERS: Carla Short, DPW BUF; Rev. Edwin Watkins, agent for appellant; Tara Sullivan, PD.

PUBLIC COMMENT: None.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-173**

HILDA FALKENSTEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244A Mason Street. Protesting the issuance on Nov. 6, 2008, to Transition LLC, Permit to Alter a Building (kitchen and bath remodel; add new closets; install new kitchen appliances; new lights; all work in unit 2244A; remove windows over existing sink). APPLICATION NO. 2008/09/24/2527. PUBLIC HEARING HELD AND CLOSED ON JAN. 21, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations.**

(7B) **APPEAL NO. 08-174**

CASSI WRIGHT, REBECCA CHENG & ELIZABETH ERNST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244 Mason Street. Protesting the issuance on Nov. 6, 2008, to Transition LLC, Permit to Alter a Building (kitchen and bath remodel; add new closets; install new kitchen appliances; install new light and outlets at kitchen, bathroom /living room area; relocate bathroom fixtures; reconfigure layout; convert kitchen/dining room into kitchen/living room; relocate bedroom to front). APPLICATION NO. 2008/09/19/2166. PUBLIC HEARING HELD AND CLOSED ON JAN. 21, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the permits on the condition that no work shall be commenced under either permit unless and until all of the appellants have given up possession of their apartments at the subject properties.

SPEAKERS: Stephen Collier, attorney for appellants; Blake Mattos, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-025**

GLASS PROPERTIES LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	256 Laguna Honda Blvd. Appealing a Notice of Violation dated Feb. 12, 2009, regarding allegations of illegal commercial activities occurring at the subject property, in violation of Planning Code §§ 186, 204.1 and 209.1. PUBLIC HEARING HELD AND CLOSED ON May 6, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to recuse Commissioner Garcia. Afterwards, upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia recused) to overrule the Notice of Violation on the condition that ongoing sound mitigation measures be continued, that the telephone numbers of security personnel and event operators be given to the neighbors, that events end by 11 p.m., and that all patrons leave the premises by 11:30 p.m., and with the adoption of findings at a later time.

SPEAKERS: Stephen Williams, attorney for appellant; Tara Sullivan, PD; Zapora Glass, appellant.

PUBLIC COMMENT: The following people spoke in favor of the Planning Dept.: Marcus Wong, Jon Stedman and Jamie Wong.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 8:05 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 17, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

09-12-09P01:44 RCVD

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 10, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 626 Kearny Street. Letter from Bashir Ghazialam, attorney for Hakim Haidarian and Donnie Baker, appellants, requesting rehearing of Appeal No. 08-184, Haidarian & Baker vs. DPH, decided Feb. 11, 2009. At that time, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold the DPH decision on condition that the suspension be reduced to seven days. Four votes being required to overturn a departmental action, the 15-day suspension by the DPH was upheld.

(4b) **REHEARING REQUEST:**

Subject property at 2650-2652 Hyde Street. Letters from Ellen Tsang c/o Arza Trust and Edgar Brincat, appellants, requesting rehearing of Appeal Nos. 09-023/024, decided May 13, 2009. At that time, the Board voted 2-2-1 (President Fung and Commissioner Garcia dissented, Vice President Peterson absent) to grant the appeal and overturn the permit. Four votes being required to overturn a departmental action under the City Charter, the permit was upheld. Permit Holder: Douglas Greenwood. Project: comply with NOV No. 200877313; revise previous permit No. 2008/04/02/8610; remove brick foundation and siding to install new foundation work; after completion of work, replace in kind front façade and landscape back to existing conditions; BPA No. 2008/11/04/5823

(4c) **ADOPTION OF FINDINGS:**

Subject property at 652 Kearny Street. Appeal No. 09-003, 7-Eleven vs. DBI, PDD, decided on May 13, 2009. At that time, the Board voted 4-0-1 (Vice President Peterson absent) to dismiss the appeal for lack of subject matter jurisdiction, and to uphold the denial of the subject permit. Project: interior ground floor and basement tenant improvements for 7-Eleven; construct service counters; storage shelf fixtures; coffee bar/drink station; new handicap restroom; reach-in refrigerator and sink; BPA No. 2008/03/05/6385.

(4d) **JURISDICTION REQUEST:**

Subject property at 84 Miraloma Drive. Letter from Derek Chan, requestor, asking the Board to take jurisdiction over BPA No. 2009/02/11/1855 which was issued on April 10, 2009 and for which the appeal period lapsed on April 27, 2009. Permit Holder: Roderick Shao. Project: seismic upgrade, fill-in partial lower level floor; extend interior stair down to basement level; develop basement into living area including home theater and spa; seismic design to plan for future one-story vertical addition; replace and rearrange rear and side windows and doors.

(5) **APPEAL NO. 09-037**

ANDREAS MOURELATOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	485 Corbett Avenue. Protesting the issuance on April 3, 2009, to Samuel Kwong & Corinna Chan, Permit to Alter a Building (remodel each level of single-family dwelling; add second single-family dwelling with second single-car garage; build into required rear yard per approved variance; sprinkler system under separate permit for completed four-story structure; add decks at rear). APPLICATION NO. 2008/09/08/0981S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 12, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 17, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Tara Sullivan, Planner, Planning Department (PD); Terence Howzell, Deputy City Attorney (OCA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

/09

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 10, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Mandelman absent) to adopt the June 10, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 626 Kearny Street. Letter from Bashir Ghazialam, attorney for Hakim Haidarian and Donnie Baker, appellants, requesting rehearing of Appeal No. 08-184, Haidarian & Baker vs. DPH, decided Feb. 11, 2009. At that time, the Board voted 3-2 (Commissioners Goh and Mandelman dissented) to uphold the DPH decision on condition that the suspension be reduced to seven days. Four votes being required to overturn a departmental action, the 15-day suspension by the DPH was upheld.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Mandelman absent) to deny the rehearing request.

SPEAKERS: John Du Bois, attorney for appellant; Terence Howzell, OCA, on behalf of DPH.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUEST:**

Subject property at 2650-2652 Hyde Street. Letters from Ellen Tsang c/o Arza Trust and Edgar Brincat, appellants, requesting rehearing of Appeal Nos. 09-023/024, decided May 13, 2009. At that time, the Board voted 2-2-1 (President Fung and Commissioner Garcia dissented, Vice President Peterson absent) to grant the appeal and overturn the permit. Four votes being required to overturn a departmental action, the permit was upheld. Permit Holder: Douglas Greenwood. Project: comply with NOV No. 200877313; revise previous permit No. 2008/04/02/8610; remove brick foundation and siding to install new foundation work; after completion of work, replace in kind front façade and landscape back to existing conditions; BPA No. 2008/11/04/5823.

ACTION: Upon motion by Commissioner Goh, the Board voted 2 – 3 (President Fung, Vice President Peterson, and Commissioner Garcia dissented) to grant the rehearing request. Due to a lack of four (4) votes, the motion failed and the rehearing request is denied.

SPEAKERS: Robert Sheppard, attorney for appellants; John Pollard, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 652 Kearny Street. Appeal No. 09-003, 7-Eleven vs. DBI, PDD, decided on May 13, 2009. At that time, the Board voted 4-0-1 (Vice President Peterson absent) to dismiss the appeal for lack of subject matter jurisdiction, and to uphold the denial of the subject permit. Project: interior ground floor and basement tenant improvements for 7-Eleven; construct service counters; storage shelf fixtures; coffee bar/drink station; new handicap restroom; reach-in refrigerator and sink; BPA No. 2008/03/05/6385.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the findings as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4d) **JURISDICTION REQUEST:**

Subject property at 84 Miraloma Drive. Letter from Derek Chan, requestor, asking the Board to take jurisdiction over BPA No. 2009/02/11/1855 which was issued on April 10, 2009 and for which the appeal period lapsed on April 27, 2009. Permit Holder: Roderick Shao. Project: seismic upgrade, fill-in partial lower level floor; extend interior stair down to basement level; develop basement into living area including home theater and spa; seismic design to plan for future one-story vertical addition; replace and rearrange rear and side windows and doors.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to deny the jurisdiction request.

SPEAKERS: Derek Chan, requestor; Van Ly, agent for permit holder; Laurence Kornfield, DBI; Tara Sullivan, PD.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-037**

ANDREAS MOURELATOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	485 Corbett Avenue. Protesting the issuance on April 3, 2009, to Samuel Kwong & Corinna Chan, Permit to Alter a Building (remodel each level of single-family dwelling; add second single-family dwelling with second single-car garage; build into required rear yard per approved variance; sprinkler system under separate permit for completed four-story structure; add decks at rear). APPLICATION NO. 2008/09/08/0981S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the matter to July 29, 2009, with the public hearing held and closed, and for the parties to submit additional information pursuant to the Board's comments.

SPEAKERS: Alex Mourelatos, agent for appellant; Andreas Mourelatos, appellant; Patricio Garcia, agent for permit holder; Tara Sullivan, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: Ashok Praurainele spoke in favor of the appellant.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 6:40 p.m.

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Louise Rai... 10:47 ...
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JUNE 24; NO BOA MEETING

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Friday, June 19, 2009 1:26 PM

To: Judy Boyajian [Judy.Boyajian@sfgov.org];
Catharine Barnes [Catharine.Barnes@sfgov.org];
Cynthia Goldstein [Cynthia.Goldstein@SFGOV.ORG];
Larry Badiner [Larry.Badiner@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for June 24, 2009. The next regular meeting is scheduled for Wednesday, July 1, 2009, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: June 19, 2009

06-19-09P01:56 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 1, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

06-25-09P03:06 RCVD

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 17, 2009 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

A-card No. 48151 and Medallion No. 896. Letter from Tu Lam, appellant, requesting rehearing of Appeal No. 09-021, decided May 20, 2009. At that time, the Board voted 5-0 to uphold the revocation of the subject A-card and subject medallion.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 530 Liberty Street. Letter from Kare Lindahl and Larissa Belsky, requestors, asking that the Board take jurisdiction over BPA No. 2008/02/06/4169S, which was issued on Jan. 7, 2009, and for which the appeal period lapsed on Jan. 22, 2009. Permit Holder: Lisa Kinimaka. Project: two-story horizontal addition to existing two-story single family house.

(5) **APPEAL NO. 09-042**

ROY SKOVER & FRANK RODEZNO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Median between 300-800 Miramar Ave. Protesting the issuance on April 20, 2009, to Westwood Park Association, Tree Removal Permit. ORDER NO. 178,115. FOR HEARING TODAY.

(6) **APPEAL NO. 09-043**

SCOTT & LINDA CRAWFORD, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3365 Clay Street. Appealing the denial on April 20, 2009, of Tree Removal Permit. ORDER NO. 178,116. FOR HEARING TODAY.

(7) **SPECIAL ITEM:**

Presentation on construction plan reading by Dept. of Building Inspection staff.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 12pm & 1pm – 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 12pm & 1pm – 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 25, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 1, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jordanna Thigpen, Enforcement and Legal Affairs Manager, Division of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Carla Short, Urban Forester, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Ellen Tsang and Edgar Brincat spoke in regards to a call involving the property located at 2650-2652 Hyde Street, which was the subject of a closed appeal.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 17, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the June 17, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

A-card No. 48151 and Medallion No. 896. Letter from Tu Lam, appellant, requesting rehearing of Appeal No. 09-021, decided May 20, 2009. At that time, the Board voted 5-0 to uphold the revocation of the subject A-card and subject medallion.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to grant the rehearing request and set the rehearing for August 5, 2009.

SPEAKERS: Tu Lam, appellant; Jordanna Thigpen, SFMTA.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 530 Liberty Street. Letter from Kare Lindahl and Larissa Belsky, requestors, asking that the Board take jurisdiction over BPA No. 2008/02/06/4169S, which was issued on Jan. 7, 2009, and for which the appeal period lapsed on Jan. 22, 2009. Permit Holder: Lisa Kinimaka. Project: two-story horizontal addition to existing two-story single family house.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 2 (President Fung and Commissioner Garcia dissented) to grant the jurisdiction request. Due to a lack of four (4) votes, the jurisdiction request is denied.

SPEAKERS: Jeremy Paul, agent for requestors; Lisa Kinimaka, permit holder; Brett Gladstone, attorney for permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: Christopher Noll and Nicola Webster spoke in favor of the requestors.

(5) **APPEAL NO. 09-042**

ROY SKOVER & FRANK RODEZNO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Median between 300-800 Miramar Ave. Protesting the issuance on April 20, 2009, to Westwood Park Association, Tree Removal Permit. ORDER NO. 178,115. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Roy Skover, co-appellant; Greg Clinton, agent for permit holder; Carla Short, DPW BUF; Anita Theoharis, agent for permit holder; Richard Hill, agent for permit holder.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-043**

SCOTT & LINDA CRAWFORD, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3365 Clay Street. Appealing the denial on April 20, 2009, of Tree Removal Permit. ORDER NO. 178,116. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to overrule the denial and grant the permit, on the condition that the replacement tree be a thirty-six inch (36") box tree, and that the permit holder fund the planting of four (4) additional trees, and with findings as read into record. Due to a lack of four (4) votes, the motion failed and the denial is upheld.

SPEAKERS: Carla Short, DPW BUF; Scott Crawford, co-appellant; Linda Crawford, co-appellant.

PUBLIC COMMENT: None.

(7) **SPECIAL ITEM:**

Presentation on construction plan reading by Dept. of Building Inspection staff.

SPEAKERS: Laurence Kornfield, DBI and Scott Sanchez, PD.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 7:49 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 8, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**:

(3) **ADOPTION OF MINUTES**:

Discussion and possible adoption of the July 1, 2009 minutes.

(4) **APPEAL NO. 09-044**

A & M PETROLEUM dba "GEARY 76", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3501 Geary Blvd. Appealing a sixty (60) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 15, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-052. FOR HEARING TODAY.

(5) **APPEAL NO. 09-046**

LETICIA LUNA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2500-2510 Folsom Street. Appealing a Letter of Determination dated April 24, 2009, regarding the status of the commercial use of the ground floor unit at the subject property. FOR HEARING TODAY.

(6) **APPEAL NO. 09-047**

BEN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1631 – 11th Avenue. Appealing the imposition of penalty on May 6, 2009, for construction work done without a permit. APPLICATION NO. 2009/04/16/6381. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 2, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 8, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 1, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the July 1, 2009 minutes as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 09-044**

A & M PETROLEUM dba "GEARY 76", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3501 Geary Blvd. Appealing a sixty (60) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 15, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-052. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to Sept. 2, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-046**

LETICIA LUNA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2500-2510 Folsom Street. Appealing a Letter of Determination dated April 24, 2009, regarding the status of the commercial use of the ground floor unit at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to overrule the Letter of Determination, with finding and conditions to be adopted at a later date.

SPEAKERS: Scott Sanchez, PD; Leticia Luna, appellant; Brett Gladstone, attorney for appellant; Reza Khoshnevisan, agent for subject property owner.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-047**

BEN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1631 – 11th Avenue. Appealing the imposition of penalty on May 6, 2009, for construction work done without a permit. APPLICATION NO. 2009/04/16/6381. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to reduce the penalty to two times (2X) the regular fee.

SPEAKERS: Joseph Duffy, DBI; Ben Wong, appellant.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 6:28 p.m.

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Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Thursday, July 09, 2009 2:18 PM

To: Judy Boyajian [Judy.Boyajian@sfgov.org];
Catharine Barnes [Catharine.Barnes@sfgov.org];
Cynthia Goldstein [Cynthia.Goldstein@SFGOV.ORG];
Larry Badiner [Larry.Badiner@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has CANCELLED the meeting of July 15, 2009 and has NOT SCHEDULED a meeting for July 22, 2009. The next regular meeting is scheduled for Wednesday, July 29, 2009, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: July 9, 2009

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of SF, Dept. 37
Direct: 575-6887
Fax: 575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 29, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 8, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 66 Page Street. Letter from David Collins, requestor, asking that the Board take jurisdiction over BPA Nos. 2008/09/16/1710 and 2009/05/18/8580, which were issued on Jan. 13, 2009 and May 19, 2009, respectively, and for which the appeal periods lapsed on Jan. 28, 2009 and June 3, 2009, respectively. Permit Holder: French American International School. **Project, 1st permit**: change of use from auto repair to school; renovation of existing space; no additional area to be added; interior demo work; new interior walls; mechanical, electrical systems; perform code required seismic upgrade. **Project, 2nd permit**: remedial work to existing parapet; change of use under previously approved BPA No. 2008/09/16/1710.

(5) **APPEAL NO. 07-152**

SHUFEN WU & YUPING MEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1734-1740 Mason Street. Protesting the issuance on August 23, 2007, to Quan/Mason Family Ltd. Partnership, Permit to Alter a Building (on seven-unit apartment building: renewal of BPA No. 2005/11/03/7384 – revert illegal unit in basement to storage and ½ bath; no wet bar). APPLICATION NO. 2007/08/23/0753. PUBLIC HEARING HELD AND CLOSED ON JULY 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow appellants to remain in the subject illegal unit, and with status reports due from both parties on July 15, 2009.**

(6) **APPEAL NO. 09-058**

TAO TSING FAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	124 Onondaga Ave. Appealing the denial on May 21, 2009, of Homeowners Plumbing Permit. FOR HEARING TODAY.

(7) **APPEAL NO. 09-037**

ANDREAS MOURELATOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	485 Corbett Avenue. Protesting the issuance on April 3, 2009, to Samuel Kwong & Corinna Chan, Permit to Alter a Building (remodel each level of single-family dwelling; add second single-family dwelling with second single-car garage; build into required rear yard per approved variance; sprinkler system under separate permit for completed four-story structure; add decks at rear). APPLICATION NO. 2008/09/08/0981S. PUBLIC HEARING HELD AND CLOSED ON JUNE 17, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to submit additional info pursuant to the board's comments.**

(8) **APPEAL NO. V09-050**

RONALD PITOSCIA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	45 Cervantes Blvd. Protesting the granting on May 15, 2009, to Michael Barker, Rear Yard and Non-Complying Structure Variances (construct a new deck and exit stairs at the rear of the three-story, two-family dwelling). VARIANCE CASE NO. 2009.0039V. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 24, 2008**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 29, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Patrick O'Riordan, Senior Building Inspector, Department of Building Inspection (DBI); Hanson Tom, DBI; Lawrence Badiner, Zoning Administrator (ZA); Scott Sanchez, Planner, Planning Department (PD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 8, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the July 8, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 66 Page Street. Letter from David Collins, requestor, asking that the Board take jurisdiction over BPA Nos. 2008/09/16/1710 and 2009/05/18/8580, which were issued on Jan. 13, 2009 and May 19, 2009, respectively, and for which the appeal periods lapsed on Jan. 28, 2009 and June 3, 2009, respectively. Permit Holder: French American International School. **Project, 1st permit**: change of use from auto repair to school; renovation of existing space; no additional area to be added; interior demo work; new interior walls; mechanical, electrical systems; perform code required seismic upgrade. **Project, 2nd permit**: remedial work to existing parapet; change of use under previously approved BPA No. 2008/09/16/1710.

ACTION: Upon motion by Commissioner Garcia, the Board voted 2 – 3 (Vice President Peterson and Commissioners Goh and Mandelman dissenting) to deny the requests to allow late filing of appeals. The motion failed for a lack of three votes; with four votes needed to grant jurisdiction, jurisdiction is denied.

SPEAKERS: Clifford Fried, attorney for requestor; Pat Buscovich, agent for requestor; Harry O'Brien, attorney for permit holder; Josh Cohn, agent for permit holder; Scott Sanchez, PD; Patrick O'Riordan, DBI; Hanson Tom, DBI.

PUBLIC COMMENT: Alexandria Perez, Trevor Zimmer and Michael Perry spoke in favor of the requestor; Father John Porter and Andrew Mogrelia spoke in favor of the permit holder.

(5) **APPEAL NO. 07-152**

SHUFEN WU & YUPING MEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1734-1740 Mason Street. Protesting the issuance on August 23, 2007, to Quan/Mason Family Ltd. Partnership, Permit to Alter a Building (on seven-unit apartment building: renewal of BPA No. 2005/11/03/7384 – revert illegal unit in basement to storage and ½ bath; no wet bar). APPLICATION NO. 2007/08/23/0753. PUBLIC HEARING HELD AND CLOSED ON JULY 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow appellants to remain in the subject illegal unit, and with status reports due from both parties on July 15, 2009.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the item to July 2010, with status reports from both parties in person due at that time.

SPEAKERS: Shufen Wu, appellant (speaking through translator Dorothy Wong); William Quan, agent for permit holder; Patrick O'Riordan, DBI; Lawrence Badiner, ZA.

JBLIC COMMENT: None.

) **APPEAL NO. 09-058**

AO TSING FAN, Appellant(s) vs. EPT. OF BUILDING INSPECTION, Respondent	124 Onondaga Ave. Appealing the denial on May 21, 2009, of Homeowners Plumbing Permit. FOR HEARING TODAY.

CTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the item to eptember 9, 2009, to allow time for the appellant and DBI to work on a resolution of this matter.

PEAKERS: Tao Tsing Fan, appellant; Patrick O'Riordan, DBI.

JBLIC COMMENT: None.

) **APPEAL NO. 09-037**

NDREAS MOURELATOS, Appellant(s) vs. EPT. OF BUILDING INSPECTION, Respondent LANNING DEPT. APPROVAL	485 Corbett Avenue. Protesting the issuance on April 3, 2009, to Samuel Kwong & Corinna Chan, Permit to Alter a Building (remodel each level of single-family dwelling; add second single-family dwelling with second single-car garage; build into required rear yard per approved variance; sprinkler system under separate permit for completed four-story structure; add decks at rear). APPLICATION NO. 2008/09/08/0981S. PUBLIC HEARING HELD AND CLOSED ON JUNE 17, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to submit additional info pursuant to the board's comments.**

TION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the permit.

EAKERS: Andreas Mourelatos, appellant; Alex Mourelatos, agent for appellant; Patricio Garcia, ent for permit holder; Don David, agent for permit holder; Scott Sanchez, PD; Patrick O'Riordan, I; Hanson Tom, DBI.

BLIC COMMENT: None.

(8) **APPEAL NO. V09-050**

RONALD PITOSCIA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	45 Cervantes Blvd. Protesting the granting on May 15, 2009, to Michael Barker, Rear Yard and Non-Complying Structure Variances (construct a new deck and exit stairs at the rear of the three-story, two-family dwelling). VARIANCE CASE NO. 2009.0039V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 2 – 3 (President Fung and Commissioners Goh and Mandelman dissenting) to uphold the variance. The motion failed for a lack of three votes; with four votes needed to overturn the variance, the variance is upheld.

SPEAKERS: Ronald Pitoscia, appellant; Greg Kempton, agent for variance holder; Lawrence Badiner, ZA; Patrick O'Riordan, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 8:20 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 5, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 29, 2009 minutes.

(4) **APPEAL NO. 09-070**

INGE HORTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3223 Ortega Street. Protesting the issuance on June 23, 2009, to San Francisco Public Library, Permit to Demolish a Building (demolish north wing of existing building; remaining south wing will be transferred to Recreation & Parks Dept.; new library building under BPA No. 2008/10/24/5075 will be constructed about 30 feet from remaining south wing). APPLICATION NO. 2009/04/23/6995. FOR HEARING TODAY.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 09-053**

OPPOSITION TEAM TO 430 MAIN STREET PROJECT, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: PORTLAND-PACIFIC MAIN, LLC	430 Main Street / 429 Beale Street. Protesting the adoption of findings on May 14, 2009, which authorize a determination of compliance under the Planning Code, and exceptions for dwelling unit exposure under the Planning Code, related to demolition of the site's existing industrial buildings and the construction of an eight-story, 84 foot building with up to 113 dwelling units over a below-grade parking structure for up to 57 spaces. MOTION NO. 17878. FOR HEARING TODAY.

(5B) **APPEAL NO. V09-055**

OPPOSITION TEAM TO 430 MAIN STREET PROJECT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Variance Holder: PORTLAND-PACIFIC MAIN, LLC	430 Main Street / 429 Beale Street. Protesting the granting on May 26, 2009, of Open Space Variance (construction of an eight-story, 84 foot building with up to 113 dwelling units over a below-grade parking structure for up to 57 spaces that does not meet the dimensional and/or exposure requirements for open space). VARIANCE CASE NO. 2007.1121XV. FOR HEARING TODAY.

(6) **APPEAL NO. 09-072**

1900 EDDY STREET LLC TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1900 Eddy Street. Appealing the imposition of penalty on June 25, 2009, for plumbing work done without a permit. APPLICATION NO. PP2009/06/25/262. FOR HEARING TODAY.

(7) **APPEAL NO. 09-021**

TU LAM, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation of Public Passenger Vehicle Permit (A-card) No. 48151 and medallion No. 896. RESOLUTION NO. 2009-04. FOR REHEARING TODAY. **Note: On May 20, 2009, the Board voted 5-0 to uphold the revocation of the subject A-card and subject medallion. On July 1, 2009, the Board voted 5-0 to grant the appellant's rehearing request and to schedule the rehearing for Aug. 5, 2009.**

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 31, 2009**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 5, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Luis Herrera, City Librarian, San Francisco Public Library (SFPL); Scott Sanchez, Planner, Planning Department (PD); Tina Tam, Senior Planner (PD); Jordanna Thigpen, Enforcement and Legal Affairs Manager, Division of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 29, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the July 29, 2009 minutes as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 09-070**

INGE HORTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	**3223 Ortega Street. Protesting the issuance on June 23, 2009, to San Francisco Public Library, Permit to Demolish a Building (demolish north wing of existing building; remaining south wing will be transferred**

	to Recreation & Parks Dept.; new library building under BPA No. 2008/10/24/5075 will be constructed about 30 feet from remaining south wing). **APPLICATION NO. 2009/04/23/6995.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to uphold the permit.

SPEAKERS: Inge Horton, appellant; Luis Herrera, agent for SFPL; Tina Tam, PD.

PUBLIC COMMENT: The following people spoke in favor of the permit holder: Board of Supervisors member Carmen Chu, Ian, Celia Perez, Sean Ashaya, Jolene N. Garcia (representing Assemblymember Fiona Ma), Carlota Del Portillo, Mel Lee, Charles Higuertes, Art Tom, Maureen Roche, Dan Ryan, Rick Chafian, Clarice Moody, Marian Chatfield-Taylor, Tuan Nguyen, Matt Brauer, Michelle Tom, Larry Kane, Tim Yip, Margaret Fown, Meredith Kurpius, Ellen Egbert, and Anne Wintroub. The following people spoke in favor of the appellant: Diana Scott, Zach Stewart, Sue Cauthen, Sarah Kliban, Maury McCarthy, Joan Wood, Evelyn Wilson, Vincent Marsh, Alan Martinez, Howard Wong, Alex Kienker, Bradley Wiedmaier, Kevin Delaney, Bhawd (Gee Gee) Platt, David Tornheim, and Peter Warfield.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 09-053**

OPPOSITION TEAM TO 430 MAIN STREET PROJECT, Appellant (s) **vs.** **PLANNING COMMISSION, Respondent** **Motion Holder: PORTLAND-PACIFIC MAIN, LLC**	**430 Main Street / 429 Beale Street.** **Protesting the adoption of findings on May 14, 2009, which authorize a determination of compliance under the Planning Code, and exceptions for dwelling unit exposure under the Planning Code, related to demolition of the site's existing industrial buildings and the construction of an eight-story, 84 foot building with up to 113 dwelling units over a below-grade parking structure for up to 57 spaces.** **MOTION NO. 17878.** **FOR HEARING TODAY.**

(5B) **APPEAL NO. V09-055**

OPPOSITION TEAM TO 430 MAIN STREET PROJECT, Appellant (s) **vs.** **ZONING ADMINISTRATOR, Respondent** **Variance Holder: PORTLAND-PACIFIC MAIN, LLC**	**430 Main Street / 429 Beale Street.** **Protesting the granting on May 26, 2009, of Open Space Variance (construction of an eight-story, 84 foot building with up to 113 dwelling units over a below-grade parking structure for up to 57 spaces that does not meet the dimensional and/or exposure requirements for open space).** **VARIANCE CASE NO. 2007.1121XV.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 (Commissioner Goh absent) to deny the appellants' request to reschedule both matters. Afterwards, upon motion by Commissioner Garcia, the Board voted 2 – 2 – 1 (President Fung and Commissioner Mandelman dissented, Commissioner Goh absent) to uphold the adoption of findings and uphold the variance. The motion failed for a lack of three votes; with four votes needed to overturn the adoption of findings and variance, they are upheld.

SPEAKERS: Roger Meredith, attorney for appellant; Gustavo Leao, agent for appellant; Devlin Gardell, agent for appellant; Tuija Catalano, attorney for motion and variance holder; Scott Sanchez, PD;

PUBLIC COMMENT: The following people spoke in favor of the appellants: Jamie Whitaker, Michael Barkley, Henry Kleinhenz, S. Y. King, Debi Gould, Melinda Rodgers, Boren Chertkov, Joseph Ku, Andrew Brooks, Cindy Reginato, Zarak Kursheed, and Patricia Campbell.

(6) **APPEAL NO. 09-072**

1900 EDDY STREET LLC TRUST, Appellant (s) **vs.** **DEPT. OF BUILDING INSPECTION, Respondent**	**1900 Eddy Street.** **Appealing the imposition of penalty on June 25, 2009, for plumbing work done without a permit.** **APPLICATION NO. PP2009/06/25/262.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 (Commissioner Mandelman dissented) to reduce the penalty to two times (2X) the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Randy Hobbs, agent for appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-021**

TU LAM, Appellant(s) **vs.** **MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent**	**Appealing the revocation of Public Passenger Vehicle Permit (A-card) No. 48151 and medallion No. 896.** **RESOLUTION NO. 2009-04.** **FOR REHEARING TODAY. Note: On May 20, 2009, the Board voted 5-0 to uphold the revocation of the subject A -card and subject medallion. On July 1, 2009, the Board voted 5-0 to grant the appellant's rehearing request and to schedule the rehearing for Aug. 5, 2009.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 (Commissioner Goh dissented) to deny the rescheduling request. Afterwards, upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to uphold the revocation of the medallion, and overrule the revocation of the A-card with a finding that the MTA has offered the A-card retention as a settlement.

SPEAKERS: Tu Lam, appellant; Jordanna Thigpen, SFMTA; Geoffrey Rotwein, attorney for appellant.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 10:15 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 12, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 5, 2009 minutes.

(4) **ADDENDUM ITEMS:**

08-07-09P01:36 RCVD

(4a) **ADOPTION OF FINDINGS:**

Subject property at 256 Laguna Honda Blvd. Appeal No. 09-025, Glass Properties LP vs. ZA, decided June 10, 2009. At that time, the Board voted 4-0-1 (Commissioner Garcia recused) to overrule the NOV on condition that on-going sound transmission measures be continued, that the telephone numbers of security personnel and event operators be given to the neighbors, that events end by 11pm, and that all patrons leave the premises by 1130pm, with adoption of findings at a later time.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 2500 Folsom Street. Appeal No. 09-046, Luna vs. ZA, decided July 8, 2009. At that time, the Board voted 5-0 to overrule the Letter of Determination with findings and conditions to be adopted at a later time. LOD: regarding the status of the commercial use of the ground floor unit at the subject property.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1760 Filbert Street. Letter from Augustine Fallay, agent for Lilly Pong, requestor, asking that the Board take jurisdiction over BPA No. 2007/11/13/7997, which was issued on May 15, 2009, and for which the appeal period lapsed on June 1, 2009. Permit Holder: 4051 Elm Street LLC. Project: interior remodel to expand Unit 6 into existing storage area; change from S-3 to R-1; reconfigure Units 5 and 6 at 2nd floor; MEP, fire alarm and fire sprinkler under separate permit.

(5) **APPEAL NO. 09-049**

SALLY SUMMERS dba "MYSTIC READER", Appellant(s) vs. POLICE DEPARTMENT, Respondent	5485 Mission Street. Appealing the denial on April 27, 2009, of Fortune Teller Permit. FOR HEARING TODAY.

(6) **APPEAL NO. 09-056**

MONICA QUATTRIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1195-1197-1199 Sanchez Street. Appealing a Letter of Determination dated May 21, 2009, addressed to Jeremy Paul at Quickdraw Permit Consulting, regarding the legal dwelling-unit count for the subject property. FOR HEARING TODAY.

(7) **APPEAL NO. V09-057**

KAUSHIK DATTANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3665-3669 – 18th Street. Appealing the denial on May 29, 2009, of Parking and Exposure Variances (legalize an existing, vacant, fifth dwelling-unit which was constructed without the benefit of permits at the ground floor of the three-story building). VARIANCE CASE NO. 2009.0042V. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 09-059**

PETER LIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1239 – 6th Avenue. Protesting the issuance on June 1, 2009, to Jonah Michaelian, Permit to Alter a Building (comply with NOV No. 200907022; convert existing flat roof to roof deck; reframe existing window opening to create new door to deck; deck is less than 10' from grade; upgrade joist at deck. APPLICATION NO. 2009/05/29/9378. FOR HEARING TODAY.

(8B) **APPEAL NO. 09-060**

JONAH MICHAELIAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1237-1241 – 6th Avenue. Appealing a Request for Suspension dated June 3, 2009, addressed to DBI Director Vivian Day, asking that BPA No. 2009/05/29/9378 be suspended because it was approved over the counter by Planning Dept. staff without proper notification to neighbors. FOR HEARING TODAY.

(9) **APPEAL NO. 09-063**

JOEL & LISA WAGONFELD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2829 Green Street. Appealing the denial on June 18, 2009, of Permit to Alter a Building (revisions to approved BPA No. 2006/02/23/5308; 298sf 2nd floor infill horizontal addition [bedroom/bathroom and laundry]; 10 new skylights; fenestration changes to doors and windows at 1st and 2nd floors; deletion of 2nd floor balcony and bridge). APPLICATION NO. 2008/07/18/7090S. FOR HEARING TODAY.

(10) **APPEAL NO. 09-078**

HUI LUO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	657 Huron Avenue. Appealing the imposition of penalty on July 29, 2009, for construction work done without a permit. APPLICATION NO. 2009/07/29/3722. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 7, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 12, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosch, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Garcia noted the passing of land use expert Debra Stein and remarked on her generosity of spirit and her contribution to the work of the Board.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 5, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the August 5, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 256 Laguna Honda Blvd. Appeal No. 09-025, Glass Properties LP vs. ZA, decided June 10, 2009. At that time, the Board voted 4-0-1 (Commissioner Garcia recused) to overrule the NOV on condition that on-going sound transmission measures be continued, that contact information for security personnel and event operators be given to the neighbors, that events end by 11:00 pm, and that all patrons leave the premises by 11:30 pm, with adoption of findings at a later time.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Garcia recused) to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 2500 Folsom Street. Appeal No. 09-046, Luna vs. ZA, decided July 8, 2009. At that time, the Board voted 5-0 to overrule the Letter of Determination with findings and conditions to be adopted at a later time. LOD: regarding the status of the commercial use of the ground floor unit at the subject property.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the Planning Department's version of the findings.

SPEAKERS: Brett Gladstone, attorney for appellant; Leticia Luna, appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1760 Filbert Street. Letter from Augustine Fallay, agent for Lilly Pong, requestor, asking that the Board take jurisdiction over BPA No. 2007/11/13/7997, which was issued on May 15, 2009, and for which the appeal period lapsed on June 1, 2009. Permit Holder: 4051 Elm Street LLC. Project: interior remodel to expand Unit 6 into existing storage area; change from S-3 to R-1; reconfigure Units 5 and 6 at 2nd floor; MEP, fire alarm and fire sprinkler under separate permit.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to deny the Jurisdiction Request.

SPEAKERS: Augustine Fallay, agent for requestor; Pat Buscovich, agent for permit holder; Scott Sanchez, PD; Spencer Gosch, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-049**

SALLY SUMMERS dba "MYSTIC READER", Appellant(s) vs. POLICE DEPARTMENT, Respondent	5485 Mission Street. Appealing the denial on April 27, 2009, of Fortune Teller Permit. FOR HEARING TODAY.

Withdrawn by appellant.

(6) **APPEAL NO. 09-056**

MONICA QUATTRIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1195-1197-1199 Sanchez Street. Appealing a Letter of Determination dated May 21, 2009, addressed to Jeremy Paul at Quickdraw Permit Consulting, regarding the legal dwelling-unit count for the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to overturn the Letter of Determination with findings and conditions to be adopted at a later time.

SPEAKERS: Jeremy Paul, agent for appellant; John Burns, agent for appellant; Scott Sanchez, PD; Spencer Gosch, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. V09-057**

KAUSHIK DATTANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3665-3669 – 18th Street. Appealing the denial on May 29, 2009, of Parking and Exposure Variances (legalize an existing, vacant, fifth dwelling-unit which was constructed without the benefit of permits at the ground floor of the three-story building). VARIANCE CASE NO. 2009.0042V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to continue this matter to October 7, 2009, with the public hearing held and closed, in order to allow time for the DBI and PD to conduct a site visit, and for appellant to submit additional information pursuant to the Board's comments.

SPEAKERS: Scott Sanchez, PD; Bob Noelke, agent for appellant; Spencer Gosch, DBI.

PUBLIC COMMENT: Robert Seymour spoke in favor of the Zoning Administrator.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 09-059**

PETER LIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1239 – 6th Avenue. Protesting the issuance on June 1, 2009, to Jonah Michaelian, Permit to Alter a Building (comply with NOV No. 200907022; convert existing flat roof to roof deck; reframe existing window opening to create new door to deck; deck is less than 10' from grade; upgrade joist at deck. APPLICATION NO. 2009/05/29/9378. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 (Vice President Peterson dissented) to reschedule this matter to the Call of the Chair in order for the Planning Dept. to process the required notice and possible Discretionary Review hearing.

SPEAKERS: Scott Sanchez, PD; Spencer Gosch, DBI; Peter Lin, appellant; Jonah Michaelian, permit holder.

PUBLIC COMMENT: None.

(8B) **APPEAL NO. 09-060**

JONAH MICHAELIAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1237-1241 – 6th Avenue. Appealing a Request for Suspension dated June 3, 2009, addressed to DBI Director Vivian Day, asking that BPA No. 2009/05/29/9378 be suspended because it was approved over the counter by Planning Dept. staff without proper notification to neighbors. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 2 – 3 (President Fung and Commissioners Goh and Mandelman dissented) to overturn the Request for Suspension with a finding that the Board's appeal notification procedures cured the lack of notice by Planning and with a further finding that the situation arose due to City processes and not due to actions by the project sponsor. The motion failed for a lack of three votes; with four votes needed to overturn the request for suspension, the ZA's Request for Suspension is upheld.

SPEAKERS: Scott Sanchez, PD; Spencer Gosch, DBI; Jonah Michaelian, appellant.

PUBLIC COMMENT: Peter Lin spoke in favor of the ZA. Lawrence Rosenfeld spoke in favor of the appellant.

(9) **APPEAL NO. 09-063**

JOEL & LISA WAGONFELD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2829 Green Street. Appealing the denial on June 18, 2009, of Permit to Alter a Building (revisions to approved BPA No. 2006/02/23/5308; 298sf 2nd floor infill horizontal addition [bedroom/bathroom and laundry]; 10 new skylights; fenestration changes to doors and windows at 1st and 2nd floors; deletion of 2nd floor balcony and bridge). APPLICATION NO. 2008/07/18/7090S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 2 – 3 (President Fung and Commissioners Goh and Mandelman dissented) to overrule the denial, and grant the permit on the condition that the most recently revised version of the plans be used. The motion failed for a lack of four votes, the denial is upheld.

SPEAKERS: Scott Sanchez, PD; Joel Wagonfeld, appellant, agent for appellant.

PUBLIC COMMENT: Brooke Sampson spoke in favor of the PD.

(10) **APPEAL NO. 09-078**

HUI LUO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	657 Huron Avenue. Appealing the imposition of penalty on July 29, 2009, for construction work done without a permit. APPLICATION NO. 2009/07/29/3722. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reduce the penalty to two times (2X) the regular fee.

SPEAKERS: Spencer Gosch, DBI; Hui Luo, appellant.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 9:05 p.m.

BOA

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Friday, August 14, 2009 1:52 PM

To: Judy Boyajian [Judy.Boyajian@sfgov.org]; Catharine Barnes [Catharine.Barnes@sfgov.org]; Cynthia Goldstein [Cynthia.Goldstein@SFGOV.ORG]; Larry Badiner [Larry.Badiner@sfgov.org]; Tina Tam [Tina.Tam@sfgov.org]; Scott Sanchez [Scott.Sanchez@sfgov.org]; Agnes Lau [Agnes.Lau@sfgov.org]; Tara Sullivan [Tara.Sullivan@sfgov.org]; Vivian Day [Vivian.Day@sfgov.org]; Laurence M. Kornfield [Laurence.Kornfield@sfgov.org]; SF Docs

9/26/09
cancelled

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED meetings for Aug. 19, 2009 or Aug. 26, 2009, and has CANCELLED the meeting of Sept. 2, 2009. The next regular meeting is scheduled for Wednesday, Sept. 9, 2009, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Aug. 14, 2009

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Victor Pacheco 12:16 PM
CANCELLATION OF SEPT. 2, 2009 ME...

CANCELLATION OF SEPT. 2, 2009 MEETING

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Monday, July 13, 2009 12:12 PM

To: Judy Boyajian [Judy.Boyajian@sfgov.org];
Catharine Barnes [Catharine.Barnes@sfgov.org];
Cynthia Goldstein [Cynthia.Goldstein@SFGOV.ORG];
Larry Badiner [Larry.Badiner@sfgov.org];

Cc: Aleeta Van Runkle [Aleeta.Van.Runkle@sfgov.org]; Johnson Ojo [Johnson.Ojo@s

Hello everyone:

The Board has ordered staff to cancel the meeting of Sept. 2, 2009.
Accordingly, the four tobacco appeals on the Sept. 2 agenda shall be rescheduled to October 7; as for the Fox Plaza appeal, 09-061, a new date has yet to be determined. Written notices shall be sent out soon. Any questions, just call us.

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of SF, Dept. 37
Direct: 575-6887
Fax: 575-6885

07-13-09P02:15 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 9, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 12, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 25-29 Precita Avenue. Letter from Tyler Macmillan, attorney for Maureen Murray, requestor, asking that the Board take jurisdiction over BPA No. 2009/06/23/1027, which was issued on June 23, 2009, and for which the appeal period ended on July 8, 2009. Permit Holder: Linnet Jones. Project: remove un-permitted residential work at 1st floor commercial space.

(4b) **REHEARING REQUESTS:**

Subject property at 430 Main Street / 429 Beale Street. Letter from Gustavo Leao, agent for Opposition Team to 430 Main Street Project, appellant, requesting rehearing of Appeals Nos. 09-053 and V09-055, decided Aug. 5, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 2-2-1 (President Fung and Commissioner Mandelman dissented, Commissioner Goh absent) to uphold the adoption of findings and to uphold the variance. Four votes being required to overturn a departmental action, the Planning Commission's adoption of findings and the Zoning Administrator's granting of the variance were upheld. Project Sponsor: Portland-Pacific Main, LLC. Project: construction of an eight-story, 84 foot building with up to 113 dwelling units over a below-grade parking structure for up to 57 spaces.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 1195-1197-1199 Sanchez Street. Appeal No. 09-056, Quattrin vs. ZA, decided Aug. 12, 2009. At that time, upon motion by President Fung, the Board voted 5-0 to overrule the Letter of Determination with findings and conditions to be adopted at a later time. LOD: regarding the legal dwelling-unit count for the subject property.

(5) **APPEAL NO. 09-065**

MDN ENTERPRISES INC. dba "SILVER GAS & DIESEL", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2400 San Bruno Avenue. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-074. FOR HEARING TODAY.

(6) **APPEAL NO. 09-058**

TAO TSING FAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	124 Onondaga Ave. Appealing the denial on May 21, 2009, of Homeowners Plumbing Permit. PUBLIC HEARING HELD AND CLOSED ON JULY 29, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI PID to contact the appellant regarding a solution.**

(7) **APPEAL NO. 09-059**

PETER LIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1239 – 6th Avenue. Protesting the issuance on June 1, 2009, to Jonah Michaelian, Permit to Alter a Building (comply with NOV No. 200907022; convert existing flat roof to roof deck; reframe existing window opening to create new door to deck; deck is less than 10' from grade; upgrade joist at deck. APPLICATION NO. 2009/05/29/9378. FOR HEARING TODAY. **Note: On Aug. 12, 2009, the Board voted 4-1 (Vice President Peterson dissented) to reschedule this matter to Call of Chair in order for the Planning Dept. to process the required notice and to prepare for a possible DR hearing.**

(8) **APPEAL NO. 09-068**

SUSAN WOLFF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2219 – 34th Avenue. Protesting the issuance on June 15, 2009, to Mila Tan Gutierrez, Permit to Alter a Building (add deck with new stair at rear of building; comply with complaint / NOV No. 200908583). APPLICATION NO. 2009/06/12/0329. FOR HEARING TODAY.

(9) **APPEAL NO. 09-071**

DENNIS HUANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1748 La Salle Avenue. Protesting the issuance on June 26, 2009, to Kam San Ho, Permit to Alter a Building (replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor). APPLICATION NO. 2009/06/25/1295. FOR HEARING TODAY.

(10) **APPEAL NO. 09-073**

TAD & KIM NGUYEN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	456 Urbano Drive. Appealing a Stop Work Order Request, addressed to DBI Director Vivian Day, requesting that BPA No. 2006/05/09/1110 (horizontal and vertical addition) be suspended because Planning Dept. staff has found numerous discrepancies in what has been constructed and what was approved under the afore-mentioned building permit. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 4, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 9, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Francesca Gessner, Deputy City Attorney, OCA; Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Dr. Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Mandelman asked the Planning Department to send its memo regarding the complaint filed on the property located at 770 18th Avenue (Appeal No. 08-049) to the members of the public who had filed the complaint.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 12, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the August 12, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 25-29 Precita Avenue. Letter from Tyler Macmillan, attorney for Maureen Murray, requestor, asking that the Board take jurisdiction over BPA No. 2009/06/23/1027, which was issued on June 23, 2009, and for which the appeal period ended on July 8, 2009. Permit Holder: Linnet Jones. Project: remove un-permitted residential work at 1st floor commercial space.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to grant the jurisdiction request, and to schedule an expedited hearing in October 2009.

SPEAKERS: Tyler MacMillan, attorney for requestor; Pat Buscovich, agent for permit holder; Ron Schivo, attorney for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUESTS:**

Subject property at 430 Main Street / 429 Beale Street. Letter from Gustavo Leao, agent for Opposition Team to 430 Main Street Project, appellant, requesting rehearing of Appeals Nos. 09-053 and V09-055, decided Aug. 5, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 2-2-1 (President Fung and Commissioner Mandelman dissented, Commissioner Goh absent) to uphold the adoption of findings and to uphold the variance. Four votes being required to overturn a departmental action, the Planning Commission's adoption of findings and the Zoning Administrator's granting of the variance were upheld. Project Sponsor: Portland-Pacific Main, LLC. Project: construction of an eight-story, 84 foot building with up to 113 dwelling units over a below-grade parking structure for up to 57 spaces.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule both rehearing requests to September 30, 2009.

SPEAKERS: Dave Ince, co-appellant; Tuija Catalano, attorney for motion holder and variance holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 1195-1197-1199 Sanchez Street. Appeal No. 09-056, Quattrin vs. ZA, decided Aug. 12, 2009. At that time, upon motion by President Fung, the Board voted 5-0 to overrule the Letter of Determination with findings and conditions to be adopted at a later time. LOD: regarding the legal dwelling-unit count for the subject property.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the findings as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-065**

MDN ENTERPRISES INC. dba "SILVER GAS & DIESEL", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2400 San Bruno Avenue. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-074. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Peterson, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to reduce the suspension to thirty (30) days. The forty-five (45) day suspension is upheld due to a lack of four (4) votes.

SPEAKERS: Dr. Johnson Ojo, DPH; Dean Najdawi, agent for appellant; Solita Rivera, agent for appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-058**

TAO TSING FAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	124 Onondaga Ave. Appealing the denial on May 21, 2009, of Homeowners Plumbing Permit. PUBLIC HEARING HELD AND CLOSED ON JULY 29, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI PID to contact the appellant regarding a solution.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Laurence Kornfield, DBI; Tao Tsing Fan, appellant; Ed Ilumin, Human Rights Commission.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-059**

PETER LIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1239 – 6th Avenue. Protesting the issuance on June 1, 2009, to Jonah Michaelian, Permit to Alter a Building (comply with NOV No. 200907022; convert existing flat roof to roof deck; reframe existing window opening to create new door to deck; deck is less than 10' from grade; upgrade joist at deck. APPLICATION NO. 2009/05/29/9378. FOR HEARING TODAY. **Note: On Aug. 12, 2009, the Board voted 4-1 (Vice President Peterson dissented) to reschedule this matter to Call of Chair in order for the Planning Dept. to process the required notice and to prepare for a possible DR hearing.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the appeal, and condition the permit based on revised plans dated August 24, 2009, with a finding that the parties have settled the matter.

SPEAKERS: Scott Sanchez, PD; Peter Lin, appellant; Jonah Michaelian, permit holder.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-068**

SUSAN WOLFF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2219 – 34th Avenue. Protesting the issuance on June 15, 2009, to Mila Tan Gutierrez, Permit to Alter a Building (add deck with new stair at rear of building; comply with complaint / NOV No. 200908583). APPLICATION NO. 2009/06/12/0329. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Susan Wolff, appellant; Elias Gutierrez, agent for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 09-071**

DENNIS HUANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1748 La Salle Avenue. Protesting the issuance on June 26, 2009, to Kam San Ho, Permit to Alter a Building (replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor). APPLICATION NO. 2009/06/25/1295. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 5 – 0 to continue this matter to September 30, 2009, with the public hearing closed, to allow time for DBI to conduct a site visit.

SPEAKERS: Dennis Huang, appellant; Kam San Ho, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 09-073**

TAD & KIM NGUYEN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	456 Urbano Drive. Appealing a Stop Work Order Request, addressed to DBI Director Vivian Day, requesting that BPA No. 2006/05/09/1110 (horizontal and vertical addition) be suspended because Planning Dept. staff has found numerous discrepancies in what has been constructed and what was approved under the afore-mentioned building permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 5 – 0 to uphold the Zoning Administrator's Stop Work Order Request.

SPEAKERS: Scott Sanchez, PD; Kim Nguyen, co-appellant; Tad Nguyen, co-appellant; Laurence Kornfield, DBI; Steven Weiss, agent for appellant.

PUBLIC COMMENT: The following people spoke in favor of the ZA: Irene Carter, Barry Clagett, Norman Meunier, and Anonymous.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 8:43 p.m.

Meeting Information

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PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for Sept. 16, 2009 or Sept. 23, 2009. The next regular meeting is scheduled for **Wednesday, Sept. 30, 2009, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Sept. 11, 2009**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 30, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Sept. 9, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 6256 – 3rd Street. Letter from Randall Knox, attorney for Claudia Smith dba "Green Acres", requestor, asking that the Board take jurisdiction over the denial on Dec. 22, 2008, of BPA No. 2008/10/01/3173. Project: barrier removal, internal remodel of commercial retail space; construct non-bearing partition, ADA bathroom and other ADA requirements for continuation to operate a medical cannabis dispensary.

(4b) **ADOPTION OF FINDINGS:**

Discussion and possible adoption of findings for Appeal No. 09-015, Hennessey vs. Taxi Commission (MTA Division of Taxis and Accessible Services), decided May 20, 2009. At that time, upon motion by Vice President Peterson, the Board voted 5-0 to overrule the suspension and revoke the permit (A-card) with adoption of findings at a later time.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 30, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Christiane Hayashi, Deputy Director of Taxis, Municipal Transportation Agency (MTA); Carla Short, Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

9/09

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Peter Warfield asked the Board to review its decision relating to the Ortega Branch Library (Appeal No. 09-070), and expressed concern about the Board's public document review protocols and proceedings at the Sunshine Ordinance Task Force.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Fung noted that he will be traveling out of the country on business and will be absent for the Board's meeting on October 7, 2009.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Sept. 9, 2009 minutes.

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ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the September 9, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 6256 – 3rd Street. Letter from Randall Knox, attorney for Claudia Smith dba "Green Acres", requestor, asking that the Board take jurisdiction over the denial on Dec. 22, 2008, of BPA No. 2008/10/01/3173. Project: barrier removal, internal remodel of commercial retail space; construct non-bearing partition, ADA bathroom and other ADA requirements for continuation to operate a medical cannabis dispensary.

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Vice President Peterson dissented) to grant the jurisdiction request.

SPEAKERS: Randall Knox, attorney for requestor; Scott Sanchez, PD.

PUBLIC COMMENT: Two anonymous individuals spoke in favor of the requestor.

(4b) **ADOPTION OF FINDINGS:**

Discussion and possible adoption of findings for Appeal No. 09-015, Hennessey vs. Taxi Commission (MTA Division of Taxis and Accessible Services), decided May 20, 2009. At that time, upon motion by Vice President Peterson, the Board voted 5-0 to overrule the suspension and revoke the permit (A-card) with adoption of findings at a later time.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the findings.

SPEAKERS: Hakim Ikariouen, permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-077**

HANK CANCEL & JIN HAN XU, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1334-1338 Polk Street. Protesting the issuance on July 10, 2009, to Dept. of Public Works Bureau of Engineering, Tree Removal Permit. ORDER NO. 178,227. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 5 – 0 to revoke the permit with a finding that the parties has settled the matter because the trees are salvageable.

SPEAKERS: Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-075**

LINDA CHANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1767 – 8th Avenue. Appealing the imposition of penalty on July 15, 2009, for construction work done without a permit. APPLICATION NO. 2009/07/14/2611. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 (Commissioner Mandelman dissented) to reduce the penalty to 3X (three times) the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Linda Chang, appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-076**

IDEX GLOBAL SERVICES INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	180 Sansome Street. Appealing the imposition of penalty on July 23, 2009, for electrical work done without a permit. APPLICATION NO. E2009/07/23/1191. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Peterson, the Board voted 4 – 1 (Commissioner Mandelman dissented) to reduce the penalty to 2X (two times) the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Grant Morris, agent for appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-074**

CAROLA HAMMAN & CASS HAMMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	115 Shawnee Avenue. Protesting the issuance on June 29, 2009 to Ken Ji Zheng, Permit to Alter a Building (new rear wood deck attached to existing building at 2nd floor; replace window with new sliding door to deck; new deck not taller than 10'-0". APPLICATION NO. 2009/06/19/0870. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Carola Hamman, appellant; Sherman Yang, agent for permit holder; Ken Ji Zheng, permit holder; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 7:22 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 7, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Sept. 30, 2009 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2734 Baker Street. Letter from Patricia Vaughey, requestor, asking that the Board take jurisdiction over BPA No. 2006/05/24/2394S, which was issued on Aug. 28, 2009, and for which the appeal period ended on Sept. 14, 2009. Jurisdiction request was received on Sept. 15, 2009. Permit Holder: Bashir Wada. Project: story and basement addition at rear of property.

(5) **APPEAL NO. V09-057**

KAUSHIK DATTANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3665-3669 – 18th Street. Appealing the denial on May 29, 2009, of Parking and Exposure Variances (legalize an existing, vacant, fifth dwelling-unit which was constructed without the benefit of permits at the ground floor of the three-story building). VARIANCE CASE NO. 2009.0042V. PUBLIC HEARING HELD AND CLOSED ON AUG. 12, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI and Planning staff to conduct a site visit, and to allow time for the appellant to submit additional information pursuant to the Board's comments.**

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 09-079**

JOYCE NARDONE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	101 Frederick Street #3. Protesting the issuance on July 24, 2009, to Thomas Mitchell, Permit to Alter a Building (relocate kitchen to dining room; remodel; convert former kitchen to 2nd bedroom; no structural changes; unit 3 located on 2nd floor). APPLICATION NO. 2009/06/29/1520. FOR HEARING TODAY.

(6B) **APPEAL NO. 09-080**

PATRICK GAFFNEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	101 Frederick Street #3. Protesting the issuance on July 24, 2009, to Thomas Mitchell, Permit to Alter a Building (relocate kitchen to dining room; remodel; convert former kitchen to 2nd bedroom; no structural changes; unit 3 located on 2nd floor). APPLICATION NO. 2009/06/29/1520. FOR HEARING TODAY.

(7) **APPEAL NO. 09-044**

A & M PETROLEUM dba "GEARY 76", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3501 Geary Blvd. Appealing a sixty (60) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 15, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-052. FOR HEARING TODAY.

(8) **APPEAL NO. 09-062**

REDA MAHFOUZ dba "ALIBABA SMOKE & GIFT SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	245A Columbus Avenue. Appealing a seventy (70) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-078. FOR HEARING TODAY.

(9) **APPEAL NO. 09-064**

GIL FIGUEROA dba "DON CHUY'S MEXI-MERCADO", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	544 Excelsior Street. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-068. FOR HEARING TODAY.

(10) **APPEAL NO. 09-066**

JOSEPH KHALAF dba "J & D GROCERY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1042 Polk Street. Appealing a twenty (20) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-072. FOR HEARING TODAY.

(11) **APPEAL NO. 09-067**

"LOMBARD UNION 76", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2498 Lombard Street. Appealing a twenty (20) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-070. FOR HEARING TODAY.

(12) **SPECIAL ITEM:**

Discussion and possible adoption of a Resolution of Commendation to Catharine Barnes.

(13) **SPECIAL ITEM:**

Discussion and possible adoption of the Board of Appeals Annual Report for fiscal year 2008-2009.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Oct. 2, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 7, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Dr. Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

ABSENT: President Frank Fung.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Sept. 30, 2009 minutes.

ACTION: Upon motion by Vice President Peterson, the Board voted 4 – 0 – 1 (President Fung absent) to adopt the September 30, 2009 minutes.

SPEAKERS: None.

(8) **APPEAL NO. 09-062**

REDA MAHFOUZ dba "ALIBABA SMOKE & GIFT SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	245A Columbus Avenue. Appealing a seventy (70) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-078. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (President Fung absent) to continue this matter to Nov. 4, 2009, with the public hearing to remain open, with new DPH brief due Oct. 15, 2009, and appellant's reply brief due Oct. 29, 2009.

SPEAKERS: Dr. Johnson Ojo, DPH; Monti Stegen, attorney for appellant; Reda Mahfouz, appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 09-064**

GIL FIGUEROA dba "DON CHUY'S MEXI-MERCADO", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	544 Excelsior Street. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-068. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (President Fung absent) to uphold the 45 day suspension.

SPEAKERS: Dr. Johnson Ojo, DPH; Gil Figueroa, appellant; Maria Castro, agent for appellant.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 09-066**

JOSEPH KHALAF dba "J & D GROCERY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1042 Polk Street. Appealing a twenty (20) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-072. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 4 – 0 – 1 (President Fung absent) to overrule the 20 day suspension and reduce the suspension to fifteen (15) days.

SPEAKERS: Dr. Johnson Ojo, DPH; Joseph Khalaf, appellant.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 09-067**

"LOMBARD UNION 76", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2498 Lombard Street. Appealing a twenty (20) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-070. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (President Fung absent) to uphold the 20 day suspension.

SPEAKERS: Dr. Johnson Ojo, DPH; Otis Dancy, agent for appellant.

PUBLIC COMMENT: None.

(12) **SPECIAL ITEM:**

Discussion and possible adoption of a Resolution of Commendation to Catharine Barnes.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (President Fung absent) to adopt the resolution.

SPEAKERS: None.

PUBLIC COMMENT: None.

(13) **SPECIAL ITEM:**

Discussion and possible adoption of the Board of Appeals Annual Report for fiscal year 2008-2009.

ACTION: Upon motion by Vice President Peterson, the Board voted 4 – 0 – 1 (President Fung absent) to adopt the annual report as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, Vice President Peterson adjourned the meeting at 7:50 p.m.

Meeting Information

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PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for October 14, 2009. The next regular meeting is scheduled for **Wednesday, October 21, 2009, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Oct. 9, 2009**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 21, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 7, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 445 & 479 Bayshore Boulevard and 196 Loomis Street. Letter from Arlene Campbell, requestor, asking that the Board take jurisdiction over BPA No. 2009/04/02/5438, which was issued on May 21, 2009, and for which the appeal period lapsed on June 5, 2009. Jurisdiction request was received on Sept. 23, 2009. Project: demolish one-story retail store (former Goodman's Lumber). Permit Holder: Lowe's Inc.

(5) **APPEAL NO. 07-132**

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 09-082**

DONALD COPELAND, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2520-2522 Sutter Street. Appealing a Letter of Determination dated July 23, 2009, regarding the disapproval of BPA No. 2009/06/02/9581 (legalize replacement of 10 windows at the front façade of the subject building). FOR HEARING TODAY.

(6B) **APPEAL NO. 09-091**

DONALD COPELAND, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2520-2522 Sutter Street. Appealing the denial on Aug. 19, 2009, of Permit to Alter a Building (replace 10 windows, wood windows to vinyl windows at front; comply with NOV No. 200809125. APPLICATION NO. 2009/06/02/9581. FOR HEARING TODAY.

(7) **APPEAL NO. 09-085**

SUE CAUTHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	305 Filbert Street. Protesting the issuance on Aug. 4, 2009, to Gunther Gopp, Permit to Alter a Building (comply with NOV No. 200914042; rebuild interior stair; remodel kitchen and two bathrooms; remove and replace wall and ceiling finishes; upgrade electrical, mechanical and plumbing; replace windows and doors at rear; structural upgrade; revision to BPA No. 2009/05/27/9218; replace rear roof deck, roofing and guardrail; replace wood fireplace with gas). APPLICATION NO. 2009/07/23/3282. FOR HEARING TODAY.

(8) **APPEAL NO. 09-086**

DIANE MARTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2471- 33rd Avenue. Protesting the issuance on Aug. 5, 2009, to Kathy Sheedy, Permit to Alter a Building (remodel each level of single-family dwelling; 3rd story and rear yard additions; add two bedrooms and two and one-half bathrooms). APPLICATION NO. 2008/11/24/7213S. FOR HEARING TODAY.

(9) **APPEAL NO. 09-087**

UNION BANK, N.A., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	350 and 430 California Street. Appealing a Request for Revocation dated Aug. 7, 2009, addressed to DBI Director Vivian Day, asking that BPA Nos. 2009/05/01/7495 and 2009/05/04/7578 be revoked because they do not comply with Planning Code § 607(g)(1) and were approved in error by the Planning Department. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 16, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 21, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Lawrence Badiner, Zoning Administrator, (ZA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: David Collins spoke regarding permits associated with the property located at 66 Page Street, the French American International School.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Fung commended the Board's former Deputy City Attorney, Catharine Barnes, and thanked her for her many years of service.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 7, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the October 7, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 445 & 479 Bayshore Boulevard and 196 Loomis Street. Letter from Arlene Campbell, requestor, asking that the Board take jurisdiction over BPA No. 2009/04/02/5438, which was issued on May 21, 2009, and for which the appeal period lapsed on June 5, 2009. Jurisdiction request was received on Sept. 23, 2009. Project: demolish one-story retail store (former Goodman's Lumber). Permit Holder: Lowe's Inc.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to deny the jurisdiction request.

SPEAKERS: Arlene Campbell, requestor; Jim Reuben, attorney for permit holder and subject property owner.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 07-132**

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule this matter to Dec. 16, 2009.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 09-082**

DONALD COPELAND, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2520-2522 Sutter Street. Appealing a Letter of Determination dated July 23, 2009, regarding the disapproval of BPA No. 2009/06/02/9581 (legalize replacement of 10 windows at the front façade of the subject building). FOR HEARING TODAY.

(6B) **APPEAL NO. 09-091**

DONALD COPELAND, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2520-2522 Sutter Street. Appealing the denial on Aug. 19, 2009, of Permit to Alter a Building (replace 10 windows, wood windows to vinyl windows at front; comply with NOV No. 200809125. APPLICATION NO. 2009/06/02/9581. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Peterson, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to overrule the Letter of Determination and overrule the denial. The Letter of Determination and denial were upheld for a lack of four votes pursuant to S.F. Charter Sec. 4.106(d).

SPEAKERS: Scott Sanchez, PD; Donald Copeland, appellant; William Ng, agent for appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-085**

SUE CAUTHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	305 Filbert Street. Protesting the issuance on Aug. 4, 2009, to Gunther Gopp, Permit to Alter a Building (comply with NOV No. 200914042; rebuild interior stair; remodel kitchen and two bathrooms; remove and replace wall and ceiling finishes; upgrade electrical, mechanical and plumbing; replace windows and doors at rear; structural upgrade; revision to BPA No. 2009/05/27/9218; replace rear roof deck, roofing and guardrail; replace wood fireplace with gas). APPLICATION NO. 2009/07/23/3282. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Appellant did not appear; David Thompson, agent for permit holder.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-086**

DIANE MARTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2471- 33rd Avenue. Protesting the issuance on Aug. 5, 2009, to Kathy Sheedy, Permit to Alter a Building (remodel each level of single-family dwelling; 3rd story and rear yard additions; add two bedrooms and two and one-half bathrooms). APPLICATION NO. 2008/11/24/7213S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Peterson, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to uphold the permit.

SPEAKERS: Diane Martin, appellant; Ryan Sheedy, permit holder; Peter Zepponi, agent for permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI; Lawrence Badiner, ZA.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 09-087**

UNION BANK, N.A., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	350 and 430 California Street. Appealing a Request for Revocation dated Aug. 7, 2009, addressed to DBI Director Vivian Day, asking that BPA Nos. 2009/05/01/7495 and 2009/05/04/7578 be revoked because they do not comply with Planning Code § 607(g)(1) and were approved in error by the Planning Department. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue this matter to Dec. 16, 2009, with the public hearing closed, and to allow time for both parties to discuss options and to allow time for both parties to brief certain issues.

SPEAKERS: Lawrence Badiner, ZA; Laurence Kornfield, DBI; Benjamin Reznik, attorney for appellant.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 8:55 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 4, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 21, 2009 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1221 & 1223 Page Street. Letter from Maureen Gannon and Rohit Verma, requestors, asking that the Board take jurisdiction over Electrical Permit Nos. E2009/09/01/2096 and E2009/09/01/2097, which were issued on Sept. 1, 2009 and for which the appeal periods ended on Sept. 16, 2009. Jurisdiction request was received on October 28, 2009. Permit Holder Douglass Kitt. **Project, 1st permit**: 14 roof-mounted solar PV modules, 215 watts, 1 interactive, 3000W power rating). **Project, 2nd permit**: 18 roof-mounted solar PV modules, 215 watts, 1 interactive, 4000W power rating).

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1748 La Salle Avenue. Letter from Laurence Kornfield, Deputy Director for Dept. of Building Inspection, asking that the Board take jurisdiction over BPA No. 2009/06/025/1295, which was issued on June 26, 2009, and for which the appeal period ended on July 13, 2009. Jurisdiction request was received on October 14, 2009. Permit Holder: Kam San Ho. Project: replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor).

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 100 – 32nd Avenue. Letter from Sanford & Nancie Garfinkel, requestors, asking that the Board take jurisdiction over Variance Case No. 2007.0129V, which was granted on Oct. 15, 2009, and for which the appeal period ended on Oct. 26, 2009. Jurisdiction request was received on October 28, 2009. Variance Holders: Jennifer King & Timothy Fredel. Variance Types: rear yard, side yard and non-complying structure.

(5) **APPEAL NO. 09-062**

REDA MAHFOUZ dba "ALIBABA SMOKE & GIFT SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	245A Columbus Avenue. Appealing a seventy (70) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products while serving a tobacco suspension as documented by a DPH Tobacco Free Project investigation. DIRECTOR'S CASE NO. FD-09-078. PUBLIC HEARING HELD ON OCT. 7, 2009 AND REMAINS OPEN. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the parties to re-brief the matter pursuant to the Board's comments.**

(6) **APPEAL NO. 09-093**

MELISSA STOOKEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	9-9A Imperial Avenue. Appealing the imposition of penalty on Aug. 24, 2009, for construction work done without a permit. APPLICATION NO. 2009/08/24/5432. FOR HEARING TODAY.

(7) **APPEAL NO. 09-108**

SUN HOK KONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	339 Hale Street. Appealing the imposition of penalty on Sept. 25, 2009, for construction work done without a permit. APPLICATION NO. 2009/09/18/7205. FOR HEARING TODAY.

(8) **APPEAL NO. 09-092**

ROHIT VERMA & MAUREEN GANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1219 Page Street. Protesting the issuance on Sept. 1, 2009, to Douglas Kitt, Electrical Permit (14 roof-mounted solar PV modules, 215 watts, 1 interactive, 3000W power ratings). APPLICATION NO. E2009/09/01/2095. FOR HEARING TODAY.

(9) **APPEAL NO. 09-109**

JILL ANTOINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	727 – 27th Street. Appealing the denial on Sept. 21, 2009, of Permit to Alter a Building (revision to BPA No. 2007/07/18/7103 to provide "as built" plans; infill back porch; remove door; change front bay window from 45 degree to 90 degree). APPLICATION NO. 2009/08/12/4659. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 30, 2009**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AMENDED AGENDA - WEDNESDAY, NOVEMBER 4, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 21, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1221 & 1223 Page Street. Letter from Maureen Gannon and Rohit Verma, requestors, asking that the Board take jurisdiction over Electrical Permit Nos. E2009/09/01/2096 and E2009/09/01/2097, which were issued on Sept. 1, 2009 and for which the appeal periods ended on Sept. 16, 2009. Jurisdiction request was received on October 28, 2009. Permit Holder Douglass Kitt. **Project, 1st permit**: 14 roof-mounted solar PV modules, 215 watts, 1 interactive, 3000W power rating). **Project, 2nd permit**: 18 roof-mounted solar PV modules, 215 watts, 1 interactive, 4000W power rating). **NOTE: These permits are for two different units in the same building and for the same solar panel installation at issue in Item 8, Appeal No. 09-092, Verma & Gannon vs. DBI. If this jurisdiction request is granted, the Board may proceed to consolidate these two permits with Appeal No. 09-092, and hear them on the merits under Item 8.**

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1748 La Salle Avenue. Letter from Laurence Kornfield, Deputy Director for Dept. of Building Inspection, asking that the Board take jurisdiction over BPA No. 2009/06/025/1295, which was issued on June 26, 2009, and for which the appeal period ended on July 13, 2009. Jurisdiction request was received on October 14, 2009. Permit Holder: Kam San Ho. Project: replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor).

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 100 – 32nd Avenue. Letter from Sanford & Nancie Garfinkel, requestors, asking that the Board take jurisdiction over Variance Case No. 2007.0129V, which was granted on Oct. 15, 2009, and for which the appeal period ended on Oct. 26, 2009. Jurisdiction request was received on October 28, 2009. Variance Holders: Jennifer King & Timothy Fredel. Variance Types: rear yard, side yard and non-complying structure.

(5) **APPEAL NO. 09-062**

REDA MAHFOUZ dba "ALIBABA SMOKE & GIFT SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	245A Columbus Avenue. Appealing a seventy (70) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products while serving a tobacco suspension as documented by a DPH Tobacco Free Project investigation. DIRECTOR'S CASE NO. FD-09-078. PUBLIC HEARING HELD ON OCT. 7, 2009 AND REMAINS OPEN. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the parties to re-brief the matter pursuant to the Board's comments.**

(6) **APPEAL NO. 09-093**

MELISSA STOOKEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	9-9A Imperial Avenue. Appealing the imposition of penalty on Aug. 24, 2009, for construction work done without a permit. APPLICATION NO. 2009/08/24/5432. FOR HEARING TODAY.

(7) **APPEAL NO. 09-108**

SUN HOK KONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	339 Hale Street. Appealing the imposition of penalty on Sept. 25, 2009, for construction work done without a permit. APPLICATION NO. 2009/09/18/7205. FOR HEARING TODAY.

(8) **APPEAL NO. 09-092**

ROHIT VERMA & MAUREEN GANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1219 Page Street. Protesting the issuance on Sept. 1, 2009, to Douglas Kitt, Electrical Permit (14 roof-mounted solar PV modules, 215 watts, 1 interactive, 3000W power ratings). APPLICATION NO. E2009/09/01/2095. FOR HEARING TODAY. **NOTE: If jurisdiction is granted in Item 4a, this permit may be heard together with Application Nos. E2009/09/01/2096 and E2009/09/01/2097.**

(9) **APPEAL NO. 09-109**

JILL ANTOINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	727 – 27th Street. Appealing the denial on Sept. 21, 2009, of Permit to Alter a Building (revision to BPA No. 2007/07/18/7103 to provide "as built" plans; infill back porch; remove door; change front bay window from 45 degree to 90 degree). APPLICATION NO. 2009/08/12/4659. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection

at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 30, 2009**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, NOVEMBER 4, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Dr. Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Aleeta Van Runkle, Deputy City Attorney, OCA; Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 21, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the October 21, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**
(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1221 & 1223 Page Street. Letter from Maureen Gannon and Rohit Verma, requestors, asking that the Board take jurisdiction over Electrical Permit Nos.

E2009/09/01/2096 and E2009/09/01/2097, which were issued on Sept. 1, 2009 and for which the appeal periods ended on Sept. 16, 2009. Jurisdiction request was received on October 28, 2009. Permit Holder Douglass Kitt. Project, 1st permit: 14 roof-mounted solar PV modules, 215 watts, 1 interactive, 3000W power rating). Project, 2nd permit: 18 roof-mounted solar PV modules, 215 watts, 1 interactive, 4000W power rating). NOTE: These permits are for two different units in the same building and for the same solar panel installation at issue in Item 8, Appeal No. 09-092, Verma & Gannon vs. DBI. If this jurisdiction request is granted, the Board may proceed to consolidate these two permits with Appeal No. 09-092, and hear them on the merits under Item 8.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to grant both jurisdiction requests and to hear the appeals along with a previously filed and related appeal (No. 09-092) noticed under Item 8.

SPEAKERS: Rohit Verma, requestor; Karen Kitt, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: Craig Dziedzic spoke in favor of the requestor.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1748 La Salle Avenue. Letter from Laurence Kornfield, Deputy Director for Dept. of Building Inspection, asking that the Board take jurisdiction over BPA No. 2009/06/025/1295, which was issued on June 26, 2009, and for which the appeal period ended on July 13, 2009. Jurisdiction request was received on October 14, 2009. Permit Holder: Kam San Ho. Project: replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor).

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to reschedule this matter to Dec. 9, 2009.

SPEAKERS: Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 100 – 32nd Avenue. Letter from Sanford & Nancie Garfinkel, requestors, asking that the Board take jurisdiction over Variance Case No. 2007.0129V, which was granted on Oct. 15, 2009, and for which the appeal period ended on Oct. 26, 2009. Jurisdiction request was received on October 28, 2009. Variance Holders: Jennifer King & Timothy Fredel. Variance Types: rear yard, side yard and non-complying structure.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to grant the jurisdiction request and, upon the filing of an appeal, to schedule the hearing for Dec. 9, 2009 along with a previously filed and related appeal (No. 09-105) of a site permit for the subject property.

SPEAKERS: Sanford Garfinkel, requestor; Alice Barkley, attorney for permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-062**

REDA MAHFOUZ dba "ALIBABA SMOKE & GIFT SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	**245A Columbus Avenue. Appealing a seventy (70) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 10, 2009. Reason(s) for suspension: selling tobacco products while serving a tobacco suspension as documented by a DPH Tobacco Free Project investigation. DIRECTOR'S CASE NO. FD-09-078. PUBLIC HEARING HELD ON OCT. 7, 2009 AND REMAINS OPEN. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the parties to re-brief the matter pursuant to the Board's comments.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue this matter to Nov. 18, 2009 and to schedule a closed session at the top of the agenda for the purpose of examining testimony submitted by a confidential consultant used by the Department of Public Health in this matter.

SPEAKERS: Aleeta Van Runkle, OCA; Monti Stegen, attorney for appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-093**

MELISSA STOOKEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**9-9A Imperial Avenue. Appealing the imposition of penalty on Aug. 24, 2009, for construction work done without a permit. APPLICATION NO. 2009/08/24/5432. FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Commissioner Mandelman dissented) to grant the appeal and reduce the penalty to three times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Melissa Stookey, appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-108**

SUN HOK KONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**339 Hale Street. Appealing the imposition of penalty on Sept. 25, 2009, for construction work done without a permit. APPLICATION NO. 2009/09/18/7205. FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Commissioner Mandelman dissented) to grant the appeal and reduce the penalty to five times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Patrick Ho, agent for appellant.

PUBLIC COMMENT: None.

ITEMS (8A), (8B) AND (8C) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 09-092**

ROHIT VERMA & MAUREEN GANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**1219 Page Street. Protesting the issuance on Sept. 1, 2009, to Douglas Kitt, Electrical Permit (14 roof -mounted solar PV modules, 215 watts, 1 interactive, 3000W power ratings). APPLICATION NO. E2009/09/01/2095. FOR HEARING TODAY. NOTE: If jurisdiction is granted in Item 4a, this permit may be heard together with Application Nos. E2009/09/01/2096 and E2009/09/01/2097.**

(8B) **APPEAL NO. 09-128**

ROHIT VERMA & MAUREEN GANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**1221 Page Street. Protesting the issuance on Sept. 1, 2009, to Douglas Kitt, Electrical Permit (14 roof -mounted solar PV modules, 215 watts, 1 interactive, 3000W power ratings). APPLICATION NO. E2009/09/01/2096. FOR HEARING TODAY.**

(8C) **APPEAL NO. 09-129**

ROHIT VERMA	**1223 Page Street.**

& MAUREEN GANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**Protesting the issuance on Sept. 1, 2009, to Douglas Kitt, Electrical Permit (18 roof -mounted solar PV modules, 215 watts, 1 interactive, 4000W power ratings). APPLICATION NO. E2009/09/01/2097. FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to deny the appeals and uphold all three permits.

SPEAKERS: Rohit Verma, co-appellant; Maureen Gannon, co-appellant; Douglas Kitt, permit holder; Jeanine Cotter, agent for permit holder; Noel Cotter, agent for permit holder; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Craig Dziedzic, Jay Siegel, Mark Primeau and Scott Ray. The following people spoke in favor of the permit holder: Ted Loewenberg, Adam Browning, Joshua Arce, Kimia Mizany and Christopher Smith.

(9) **APPEAL NO. 09-109**

JILL ANTOINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	**727 – 27th Street. Appealing the denial on Sept. 21, 2009, of Permit to Alter a Building (revision to BPA No. 2007/07/18/7103 to provide "as built" plans; infill back porch; remove door; change front bay window from 45 degree to 90 degree). APPLICATION NO. 2009/08/12/4659. FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to grant the appeal, overrule the denial and grant the permit, with a finding that the as-built condition provides greater privacy to the adjacent neighbors.

SPEAKERS: Scott Sanchez, PD; Tony Kim, agent for appellant; Jill Antoine, appellant; Leiann Laiks, attorney for appellant; Tai Antoine, agent for appellant.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Doug Hayward, Matt Sanlin, Gregory Currivan, Joyce Boultwood and Jim Collins.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 9 p.m.

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Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Monday, November 09, 2009 12:43 PM

To: Judy Boyajian [Judy.Boyajian@sfgov.org];
Francesca Gessner [Francesca.Gessner@sfgov.org];
Cynthia Goldstein [Cynthia.Goldstein@SFGOV.ORG];
Larry Badiner [Larry.Badiner@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for November 11, 2009.
The next regular meeting is scheduled for Wednesday, November 18, 2009,
City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning
this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: November 9, 2009

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 18, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 4, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 66 Page Street. Letter from David Collins, requestor, asking that the Board take jurisdiction over Plumbing Permit No. PW2009/02/09/459, which was issued on Feb. 9, 2009, and for which the appeal period lapsed on Feb. 24, 2009. Permit Holder: French American International School. Project: work category 5P; provide rough and finish plumbing for restrooms and tenant sinks; provide gas to mechanical equipment; AR&B job No.4320.

(5) **APPEAL NO. 09-100**

SAM & SON MARKET, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1321A Powell Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Sept. 9, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FP-09-83. FOR HEARING TODAY.

(6) **APPEAL NO. 09-045**

MURKELLEY LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2516-2524 Mission Street. Appealing a Notice of Violation /Penalty /Denial of Referral to Director dated April 24, 2009, regarding the operation of a rooftop restaurant and bar at the subject property, in violation of Planning Code. FOR HEARING TODAY.

(7) **APPEAL NO. V09-083**

CARRIE WONZER, LISA DECKER & JOEY DILLI SHARMA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	47 Sussex Street. Appealing the denial on July 31, 2009, of Rear Yard Variance (demolish existing storage structure and construct one-story detached garage structure which will be located within the required rear setback and facing Penny Lane). VARIANCE CASE NO. 2009.0238V. FOR HEARING TODAY.

(8) **APPEAL NO. 09-098**

DANIEL PAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	425 Bush Street. Protesting the issuance on Aug. 31, 2009, to Ascendant Inc., Street Space Occupancy Permit. APPLICATION NO. M178827. FOR HEARING TODAY.

(9) **APPEAL NO. 09-101**

NOE VALLEY NEIGHBOR GROUP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1266B Dolores Street. Protesting the issuance on Sept. 1, 2009, to Peter Fazio, Permit to Alter a Building (complete work and obtain final inspection for work approved under BPA No. 2005/08/26/1395; number of stories and occupancy change approved under BPA No. 2005/08/26/1395; no work to take place at rear 25ft until a revision permit is issued per NOV). APPLICATION NO. 2009/09/01/5994. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

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Date posted: **Nov. 13, 2009**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, NOVEMBER 18, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director and Chief Building Inspector, Dept. of Building Inspection (DBI); Steve Panelli, Chief Plumbing Inspector, DBI; Scott Sanchez, Planner, Planning Dept. (PD); Richard Lee, Director, Environmental Health Regulatory Programs, Dept. of Public Health (DPH); John Kwong, Dept. of Public Works, Bureau of Street Use and Mapping (DPW BSUM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Comm. Peterson noted that she will not attend the Dec. 9, 2009 Board meeting.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 4, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to adopt the November 4, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 66 Page Street. Letter from David Collins, requestor, asking that the Board take jurisdiction over Plumbing Permit No. PW2009/02/09/459, which was issued on Feb. 9, 2009, and for which the appeal period lapsed on Feb. 24, 2009.

Permit Holder: French American International School. Project: work category 5P; provide rough and finish plumbing for restrooms and tenant sinks; provide gas to mechanical equipment; AR&B job No.4320.

ACTION: Upon motion by President Fung, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to deny the jurisdiction request.

SPEAKERS: Kevin Greenquist, attorney for requestor; David Collins, requestor; Howard Slavitt, attorney for permit holder; Josh Cohn, agent for permit holder; Steve Panelli, DBI; Laurence Kornfield, DBI; Richard Lee, DPH.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-100**

SAM & SON MARKET, Appellant(s) **vs.** **DEPT. OF PUBLIC HEALTH, Respondent**	**1321A Powell Street.** **Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Sept. 9, 2009. Reason(s) for suspension: selling tobacco products to minors.** **DIRECTOR'S CASE NO. FP-09-83.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 (Comm. Mandelman dissented) to grant the appeal, overrule the DPH and reduce the suspension to twenty days.

SPEAKERS: Richard Lee, DPH; William Chan, agent for appellant; Sam Chu Chan, appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 09-045**

MURKELLEY LLC, Appellant(s) **vs.** **ZONING ADMINISTRATOR, Respondent**	**2516-2524 Mission Street.** **Appealing a Notice of Violation /Penalty /Denial of Referral to Director dated April 24, 2009, regarding the operation of a rooftop restaurant and bar at the subject property, in violation of Planning Code.** **FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 4 – 0 (Commissioner Mandelman absent) to reschedule this matter to Dec. 16, 2009.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. V09-083**

CARRIE WONZER, LISA DECKER & JOEY DILLI SHARMA, Appellant(s) **vs.** **ZONING ADMINISTRATOR, Respondent**	**47 Sussex Street.** **Appealing the denial on July 31, 2009, of Rear Yard Variance (demolish existing storage structure and construct one-story detached garage structure which will be located within the required rear setback and facing Penny Lane).** **VARIANCE CASE NO. 2009.0238V.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to recuse Commissioner Goh. Afterwards, upon motion by Vice President Peterson, the Board voted 4 – 0 – 1 (Commissioner Goh recused) to continue this matter to Jan. 13, 2010, with the public hearing held and closed, in order to allow the appellants to submit additional plans and information pursuant to the Board's comments.

SPEAKERS: Scott Sanchez, PD; Ilene Dick, attorney for appellants; Jim Westover, agent for appellants; Randy Wonzer, agent for appellants.

PUBLIC COMMENT: The following people spoke in favor of the appellants: Seraph White, Paul Farr, Judith Stevenson, Osha Hanfling, Jean Conner, Paul McCullough, Don Morris, Lily Hickman, John King, and Linda Dipman. The following people spoke in favor of the ZA: Jeanna Chavetta, Tristan Seifer, Amanda Renschler, Brian Aubry, Tom Ramirez, Vernon Humphrey, Eric Williams, and Denis Wade.

(8) **APPEAL NO. 09-098**

DANIEL PAN, Appellant(s) **vs.** **DEPT. OF BUILDING INSPECTION, Respondent**	**425 Bush Street.** **Protesting the issuance on Aug. 31, 2009, to Ascendant Inc., Street Space Occupancy Permit.** **APPLICATION NO. M178827.** **FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue this matter to Dec. 16, 2009, with the public hearing closed, in order to receive status reports from the parties.

SPEAKERS: Daniel Pan, appellant; Alair Dias, agent for permit holder; John Kwong, Dept. of Public Works; Laurence Kornfield, DBI.

PUBLIC COMMENT: Franck LeClerc spoke in favor of the appellant.

(9) **APPEAL NO. 09-101**

NOE VALLEY NEIGHBOR GROUP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**1266B Dolores Street. Protesting the issuance on Sept. 1, 2009, to Peter Fazio, Permit to Alter a Building (complete work and obtain final inspection for work approved under BPA No. 2005/08/26/1395; number of stories and occupancy change approved under BPA No. 2005/08/26/1395; no work to take place at rear 25ft until a revision permit is issued per NOV). APPLICATION NO. 2009/09/01/5994. FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to deny the appeal and uphold the permit with a finding that the permit conforms to previous Board decisions regarding this property, and that the Planning Dept. has endorsed the permit.

SPEAKERS: Scott Sanchez, PD; George Stradiota, agent for permit holder, Vincent Tomera, agent for permit holder.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 9:23 p.m.

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Ann Aherne 2:10 PM
Appointment Sub-C...

NO BOA MEETINGS - HAPPY THANKSGIVING!

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Friday, November 20, 2009 2:32 PM

To: Judy Boyajian [Judy.Boyajian@sfgov.org];
Francesca Gessner [Francesca.Gessner@sfgov.org];
Cynthia Goldstein [Cynthia.Goldstein@SFGOV.ORG];
Larry Badiner [Larry.Badiner@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for Nov. 25, 2009 or Dec. 2, 2009. The next regular meeting is scheduled for Wednesday, December 9, 2009, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Nov. 20, 2009

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 9, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 18, 2009 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1748 La Salle Avenue. Letter from Laurence Kornfield, Deputy Director for Dept. of Building Inspection, asking that the Board take jurisdiction over BPA No. 2009/06/025/1295, which was issued on June 26, 2009, and for which the appeal period ended on July 13, 2009. Jurisdiction request was received on October 14, 2009. Permit Holder: Kam San Ho. Project: replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor).

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 666 – 28th Street. Letter from Klaus Wirsing, requestor, asking that the Board take jurisdiction over BPA NO. 2008/09/30/3079, which was issued on Sept. 18, 2009, and for which the appeal period ended on Oct. 5, 2009. Jurisdiction request was received on Nov. 19, 2009. Permit Holders: Dick and Gerry Meister. Project: replace existing wood frame deck and stair to yard with new deck and one-hour rated walls and fence and trellis at property lines; add windscreen at roof.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 3665-3669 – 18th Street. Appeal No. V09-057, Dattani vs. ZA, decided October 7, 2009. At that time, the Board voted 4-0 to overrule the denial and grant the variances with findings and conditions to be adopted at a later time. Project: Parking and Exposure Variances (legalize an existing, vacant, fifth dwelling-unit which was constructed without the benefit of permits at the ground floor of the three-story building; Variance Case No. 2009.0042V).

(5) **APPEAL NO. 09-095**

ALTERNATIVE PATIENT'S COOPERATIVE, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	953 Mission Street #108. Appealing the denial on Aug. 25, 2009, of Medical Cannabis Dispensary (MCD) Health Permit. CASE NO. 09-08-03. FOR HEARING TODAY.

(6) **APPEAL NO. 09-102**

KHALED GHANMA dba "ALL STATES BEST FOODS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1607 – 20th Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Sept. 9, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FP09-89. FOR HEARING TODAY.

(7) **APPEAL NO. 09-125**

GOLDEN GATEWAY CENTER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Sydney G. Walton Square. Corner of Davis and Front Streets. Appealing the partial denial on October 19, 2009, of Tree Removal Permit. ORDER NO. 178,365. FOR HEARING TODAY.

(8) **APPEAL NO. V09-103**

WILLIAM RUSCONNI, GRUBER PROPERTIES INC., DAVID GRUBER, FRAN LUNDY, SALLY McDONNELL & GEORGIE FAINE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1960-1998 Market Street. Protesting the granting on Sept. 14, 2009, to 270 Valencia LLC, Rear Yard Exception, Inner Courtyard Dimensions and Dwelling Unit Exposure Variances (demolish the service station and construct a nine-story U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces). VARIANCE CASE NO. 2006.1431ECV. FOR HEARING TODAY.

(9) **APPEAL NO. 09-104**

GRAMERCY TOWERS CONDOMINIUM ASSOCIATION, 1200 CALIFORNIA STREET CORP. HOA & NOB HILL LEGAL COALITION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1111 California Street. Protesting a Letter of Determination dated Sept. 10, 2009, addressed to Steven Vettel c/o California Masonic Memorial Temple, regarding the present legal status of the Nob Hill Masonic Center. FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 09-105**

SANFORD GARFINKEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	100 - 32nd Ave. aka 865 El Camino del Mar. Protesting the issuance on Sept. 11, 2009, to Jennifer King and Timothy Fredel, Permit to Alter a Building (vertical addition of a second basement garage; horizontal addition; and alteration to existing basement and three floors of dwelling). APPLICATION NO. 2007/01/19/2027. FOR HEARING TODAY.

(10B) **APPEAL NO. V09-132**

SANFORD GARFINKEL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	100 - 32nd Ave. Protesting the granting on June 30, 2009, to Jennifer King and Timothy Fredel, Rear Yard, Side Yard and Non-Complying Structure Variances. VARIANCE CASE NO. 2007.0129V. JURISDICTION GRANTED NOV. 4, 2009. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 4, 2009**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, DECEMBER 9, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW); Larry Kessler, Senior Environmental Health Specialist, Department of Public Health (DPH); Dr. Johnson Ojo, Principal Inspector, DPH; Terence Howzell, Deputy City Attorney, OCA; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Tanya Peterson.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioners Garcia and Mandelman commented on the passing of former Ethics Commissioner and Ethics Department employee Joe Lynn and his dedicated service to the people of San Francisco.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 18, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to adopt the November 18, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1748 La Salle Avenue. Letter from Laurence Kornfield, Deputy Director for Dept. of Building Inspection, asking that the Board take jurisdiction over BPA No. 2009/06/025/1295, which was issued on June 26, 2009, and for which the appeal period ended on July 13, 2009. Jurisdiction request was received on October

14, 2009. Permit Holder: Kam San Ho. Project: replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor).

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to continue this matter to January 13, 2010 with the request that DBI Deputy Director Laurence Kornfield work with the permit holder and his neighbor to seek compliance with the terms of their prior agreement.

SPEAKERS: Joseph Duffy, DBI; Kam San Ho (via translator), permit holder.

PUBLIC COMMENT: Dennis Huang spoke in favor of the requestor.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 666 – 28th Street. Letter from Klaus Wirsing, requestor, asking that the Board take jurisdiction over BPA NO. 2008/09/30/3079, which was issued on Sept. 18, 2009, and for which the appeal period ended on Oct. 5, 2009. Jurisdiction request was received on Nov. 19, 2009. Permit Holders: Dick and Gerry Meister. Project: replace existing wood frame deck and stair to yard with new deck and one-hour rated walls and fence and trellis at property lines; add windscreen at roof.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to deny the jurisdiction request.

SPEAKERS: Edward Rodriguez, agent for requestor; Joseph Butler, agent for permit holder; Scott Sanchez, Planning; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 3665-3669 – 18th Street. Appeal No. V09-057, Dattani vs. ZA, decided October 7, 2009. At that time, the Board voted 4-0 to overrule the denial and grant the variances with findings and conditions to be adopted at a later time. Project: Parking and Exposure Variances (legalize an existing, vacant, fifth dwelling-unit which was constructed without the benefit of permits at the ground floor of the three-story building; Variance Case No. 2009.0042V).

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to adopt the findings.

SPEAKERS: Robert Nolke, agent for appellant; Scott Sanchez, Planning.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-095**

ALTERNATIVE PATIENT'S COOPERATIVE, Appellant(s) vs.	**953 Mission Street #108. Appealing the denial on Aug. 25, 2009, of Medical Cannabis Dispensary (MCD) Health Permit.**
DEPT. OF PUBLIC HEALTH, Respondent	**CASE NO. 09-08-03. FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to continue this matter to February 10, 2010.

SPEAKERS: Terence Howzell, OCA; Patrick Goggin, attorney for appellant; Kevin Patchett, appellant; Larry Kessler, DPH.

PUBLIC COMMENT: Zachary Risner spoke in favor of the appellant.

(6) **APPEAL NO. 09-102**

KHALED GHANMA	**1607 – 20th Street.**

dba "ALL STATES BEST FOODS", Appellant (s) **vs.** **DEPT. OF PUBLIC HEALTH, Respondent**	**Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Sept. 9, 2009. Reason(s) for suspension: selling tobacco products to minors.** **DIRECTOR'S CASE NO. FP09-89.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to grant the appeal, and uphold the DPH on the condition that the suspension begin no earlier than January 11, 2010.

SPEAKERS: Dr. Johnson Ojo, DPH; Khaled Ghanma, appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 09-125**

GOLDEN GATEWAY CENTER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	**Sydney G. Walton Square. Corner of Davis and Front Streets. Appealing the partial denial on October 19, 2009, of Tree Removal Permit. ORDER NO. 178,365. FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to deny the appeal and uphold the DPW with findings to be adopted at a later time.

SPEAKERS: Carla Short, DPW; Timothy Flaherty, attorney for appellant.

PUBLIC COMMENT: The following people spoke in support of the department: Lyn Pannone, Phil Ryan, Mark Ottman, Norman Patrick Doyle, Gail Uilkema, JT Morcom. Richard Ingram spoke in favor of the appellant.

(8) **APPEAL NO. V09-103**

WILLIAM RUSCONNI, GRUBER PROPERTIES INC., DAVID GRUBER, FRAN LUNDY, SALLY McDONNELL & GEORGIE FAINE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	**1960-1998 Market Street. Protesting the granting on Sept. 14, 2009, to 270 Valencia LLC, Rear Yard Exception, Inner Courtyard Dimensions and Dwelling Unit Exposure Variances (demolish the service station and construct a nine-story U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces). VARIANCE CASE NO. 2006.1431ECV. FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 1 – 1 (Commissioner Goh dissented and Vice President Peterson absent) to deny the appeal and uphold the exception and variances, with findings to be adopted at a later time.

SPEAKERS: Stephen Williams, attorney for appellants; Scott Sanchez, Planning; Brian Spiers, determination holder; David Cincotta, attorney for determination holder.

PUBLIC COMMENT: Tim Colen spoke in support of the Zoning Administrator.

(9) **APPEAL NO. 09-104**

GRAMERCY TOWERS CONDOMINIUM ASSOCIATION, 1200 CALIFORNIA STREET CORP. HOA & NOB HILL LEGAL COALITION, Appellant (s) **vs.** **ZONING ADMINISTRATOR, Respondent**	**1111 California Street.** **Protesting a Letter of Determination dated Sept. 10, 2009, addressed to Steven Vettel c/o California Masonic Memorial Temple, regarding the present legal status of the Nob Hill Masonic Center.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 1 – 3 – 1 (President Fung, Commissioner Goh and Commissioner Mandelman dissented and Vice President Peterson absent) to deny the appeal and uphold the Letter of Determination. With three votes needed, that motion failed. Upon subsequent motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to continue this matter to January 13, 2010.

SPEAKERS: Scott Sanchez, Planning; Jim Wall, agent for appellants; Robert Epstein, agent for appellants; Steven Vettel, attorney for determination holder; Alice Barkley, attorney for appellants.

PUBLIC COMMENT: The following people spoke in support of the appellants: Robert Varni, Bishop Peter Lee, Laura Novak, Anthony Kowalski, Amir Assar, Oron Maher, David Harmer, Vicki Cox, Enrique Landa, Sylvia Blumenfeld, Robert Muh, Elizabeth Pomada, Carol Kearns, Robert Bingham, Aldo Caciamo, Helana Rottersman, David Cox, Bonnie Orr, Debra Boyle, Nancy Robeson and Jim Kiss.

The following people spoke in support of the Zoning Administrator: Kelly Teo, Chris Armentrout, Lee Smith, Alec Paulock, Edward Raymond, Richard Gractscael, Laura Lyons, Audrey Joseph, Wendy Zeng and Anonymous.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 09-105**

SANFORD GARFINKEL, Appellant(s) **vs.** **DEPT. OF BUILDING INSPECTION, Respondent** **PLANNING DEPT. APPROVAL**	**100 - 32nd Ave. aka 865 El Camino del Mar.** **Protesting the issuance on Sept. 11, 2009, to Jennifer King and Timothy Fredel, Permit to Alter a Building (vertical addition of a second basement garage; horizontal addition; and alteration to existing basement and three floors of dwelling).** **APPLICATION NO. 2007/01/19/2027.** **FOR HEARING TODAY.**

(10B) **APPEAL NO. V09-132**

SANFORD GARFINKEL, Appellant(s) **vs.** **ZONING ADMINISTRATOR, Respondent**	**100 - 32nd Ave.** **Protesting the granting on June 30, 2009, to Jennifer King and Timothy Fredel, Rear Yard, Side Yard and Non-Complying Structure Variances.** **VARIANCE CASE NO. 2007.0129V.** **JURISDICTION GRANTED NOV. 4, 2009.** **FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 4 – 0 – 1 (Vice President Peterson absent) to continue this matter to January 13, 2010.

SPEAKERS: Stephen Williams, attorney for appellants; Alice Barkley, attorney for permit and variance holders; Scott Sanchez, Planning; Joseph Duffy, DBI.

PUBLIC COMMENT: Joe Butler spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 12:30 a.m.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 16, 2009

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 9, 2009 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1050 Baker Street. Letter from Robin Won, requestor, asking that the Board take jurisdiction over BPA No. 2009/01/13/0105S, which was issued on Oct. 5, 2009, and for which the appeal period ended on Oct. 20, 2009. Jurisdiction request was received on Nov. 24, 2009. Permit Holder: Ebrahim Abassi. Project: enlarge rear deck at first, second and third floor; add windows and patio doors.

(4b) **JURISDICTION REQUESTS TO ALLOW LATE FILING OF APPEALS:**

Subject property at 250 – 27th Avenue. Letter from Julia Yueh, requestor, asking that the Board take jurisdiction over BPA No. 2009/10/09/8753, Electrical Permit No. E2009/10/09/2939, and Plumbing Permit No. PP2009/10/09/584, which were all issued on Oct. 9, 2009, and for which the appeal periods all ended on Oct. 26, 2009. Jurisdiction requests were received on Dec. 1, 2009. Permit Holder: Lee Yun Ling & Shu Fen Su. Project (Building Permit): correction work at ground floor; legalize two bedrooms, one storage room and half bath at garage level; NOV No. 200883845. Project (Electrical Permit): 12 lights, 12 switches, 24 receptacles, one fan, three smoke detectors, 100 AMPS. Project (Plumbing Permit): plumbing works for two half baths and one sink.

(5) **APPEAL NO. 09-087**

UNION BANK, N.A., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	350 and 430 California Street. Appealing a Request for Revocation dated Aug. 7, 2009, addressed to DBI Director Vivian Day, asking that BPA Nos. 2009/05/01/7495 and 2009/05/04/7578 be revoked because they do not comply with Planning Code § 607(g)(1) and were approved in error by the Planning Department. PUBLIC HEARING HELD AND CLOSED ON OCT. 21, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to discuss options and to re-brief certain issues.**

(6) **APPEAL NO. 09-098**

DANIEL PAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	425 Bush Street. Protesting the issuance on Aug. 31, 2009, to Ascendant Inc., Street Space Occupancy Permit. APPLICATION NO. M178827. PUBLIC HEARING HELD AND CLOSED ON NOV. 18, 2009. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to submit status reports to the Board.**

(7) **APPEAL NO. 09-110**

LOUISE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	238 Teddy Avenue. Appealing the imposition of penalty on Sept. 29, 2009, for construction work done without a permit. APPLICATION NO. 2009/09/24/7616. FOR HEARING TODAY.

(8) **APPEAL NO. 09-045**

MURKELLEY LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2516-2524 Mission Street. Appealing a Notice of Violation /Penalty /Denial of Referral to Director dated April 24, 2009, regarding the operation of a rooftop restaurant and bar at the subject property, in violation of Planning Code. FOR HEARING TODAY.

(9) **APPEAL NO. 09-106**

GAIL McMAHON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	22 Scott Alley. Protesting the issuance on Sept. 15, 2009, to Chen Yuling & Phil Richardson, Permit to Alter a Building (re-level; inject grout beneath south end of building; according to spec's of Geo Grout). APPLICATION NO. 2009/09/15/6806. FOR HEARING TODAY.

(10) **APPEAL NO. 09-111**

JOHN HORN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	600 Lakeview Avenue. Protesting the issuance on Sept. 28, 2009, to Abraham Lu, Permit to Alter a Building (repair fire damaged three-story, single-family dwelling; gypsum board at property line wall; add insulation; repair stair from front door to side garage; add toilet in 2nd floor living room; add rear deck. APPLICATION NO. 2009/09/25/7684. FOR HEARING TODAY.

(11) **APPEAL NO. 09-112**

SONIA SZTEJNKLAPER BENJAMIN BELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1200 Dolores Street. Protesting the issuance on Oct. 7, 2009, to John Ried, Permit to Alter a Building (comply with NOV No. 200923045; build and shingle canopy over existing side walkway and doorway. APPLICATION NO. 2009/10/07/8488. FOR HEARING TODAY.

(12) **APPEAL NO. 09-114**

KATHY EDWARDS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1020 Francisco Street. Protesting the issuance on Sept. 28, 2009, to Sonja & Kevin O'Brien, Permit to Alter a Building (install 10' high wood fence along property line at portion of rear west side of property; approx. dimensions of new fence are 10' high X 30' long). APPLICATION NO. 2009/09/15/6866. FOR HEARING TODAY.

(13) **APPEAL NO. 09-115**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	395 Athens Street. Protesting the issuance on Sept. 28, 2009, to Raymond Feng, Permit to Erect a Building (four-story, two-unit residential building with 1,470sf of ground floor area). APPLICATION NO. 2003/12/24/3005S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 11, 2009**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
TANYA PETERSON	VICE PRESIDENT
MICHAEL GARCIA	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the pubic record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES – WEDNESDAY, DECEMBER 16, 2009
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Lawrence Badiner, Zoning Administrator (ZA); Craig Nikitas, Senior Planner, Planning Department (PD); Scott Sanchez, Planner, PD; John Kwong, Department of Public Works, Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 9, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Mandelman absent) to adopt the December 9, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1050 Baker Street. Letter from Robin Won, requestor, asking that the Board take jurisdiction over BPA No. 2009/01/13/0105S, which was issued on Oct. 5, 2009, and for which the appeal period ended on Oct. 20, 2009. Jurisdiction request was received on Nov. 24, 2009. Permit Holder: Ebrahim Abassi. Project: enlarge rear deck at first, second and third floor; add windows and patio doors.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the Jurisdiction Request.

SPEAKERS: Robin Won, requestor; Kerry McDonald, agent for requestor; Robert Hargrove, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUESTS TO ALLOW LATE FILING OF APPEALS:**

Subject property at 250 – 27th Avenue. Letter from Julia Yueh, requestor, asking that the Board take jurisdiction over BPA No. 2009/10/09/8753, Electrical Permit No. E2009/10/09/2939, and Plumbing Permit No. PP2009/10/09/584, which were all issued on Oct. 9, 2009, and for which the appeal periods all ended on Oct. 26, 2009. Jurisdiction requests were received on Dec. 1, 2009. Permit Holder: Lee Yun Ling & Shu Fen Su. Project (Building Permit): correction work at ground floor; legalize two bedrooms, one storage room and half bath at garage level; NOV No. 200883845. Project (Electrical Permit): 12 lights, 12 switches, 24 receptacles, one fan, three smoke detectors, 100 AMPS. Project (Plumbing Permit): plumbing works for two half baths and one sink.

ACTION: Upon motion by President Fung, the Board voted 5-0 to deny all three Jurisdiction Requests.

SPEAKERS: Julia Yueh, requestor; Shu Fen Su, permit holder, (speaking through translator Edward Chu); Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-087**

UNION BANK, N.A., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	**350 and 430 California Street. Appealing a Request for Revocation dated Aug. 7, 2009, addressed to DBI Director Vivian Day, asking that BPA Nos. 2009/05/01/7495 and 2009/05/04/7578 be revoked because they do not comply with Planning Code § 607(g)(1) and were approved in error by the Planning Department. PUBLIC HEARING HELD AND CLOSED ON OCT. 21, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to discuss options and to re-brief certain issues.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Mandelman dissented) to grant the appeal and overrule the Request for Revocation, on the condition that both signs be allowed to remain for 8 years from permit issuance date, with the adoption of findings at a later time.

SPEAKERS: Lawrence Badiner, ZA; Benjamin Reznik, attorney for appellant.

PUBLIC COMMENT: Milo Hanke spoke in favor of the ZA.

(6) **APPEAL NO. 09-098**

DANIEL PAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**425 Bush Street. Protesting the issuance on Aug. 31, 2009, to Ascendant Inc., Street Space Occupancy Permit. APPLICATION NO. M178827. PUBLIC HEARING HELD AND CLOSED ON NOV. 18, 2009. FOR FURTHER**

	CONSIDERATION TODAY. Note: Matter continued to allow time for parties to submit status reports to the Board.

ACTION: Upon motion by President Fung, the Board voted 5-0 to continue this matter to January 13, 2010.

SPEAKERS: Daniel Pan, appellant; Alair Dias, agent for permit holder; John Kwong, DPW.

PUBLIC COMMENT: Frank LeClerc spoke in favor of the appellant.

(7) **APPEAL NO. 09-110**

LOUISE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**238 Teddy Avenue. Appealing the imposition of penalty on Sept. 29, 2009, for construction work done without a permit. APPLICATION NO. 2009/09/24/7616. FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 5-0 to continue this matter to February 10, 2010, with the public hearing held and closed, to allow time for the parties to submit additional documents.

SPEAKERS: Laurence Kornfield, DBI; Jason Young, agent for appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 09-045**

MURKELLEY LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	**2516-2524 Mission Street. Appealing a Notice of Violation /Penalty /Denial of Referral to Director dated April 24, 2009, regarding the operation of a rooftop restaurant and bar at the subject property, in violation of Planning Code. FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 4-1 (Commissioner Mandelman dissented) to continue this matter to February 10, 2010.

SPEAKERS: Craig Nikitas, PD; Brett Gladstone, attorney for appellant; Lisa Johnson, agent for appellant; Rodolfo Manzo, agent for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: The following people spoke in support of the appellant: James Durfee, Joel Goodrich, Susanna Dunlap, Mireille Schwraz, Sam Barrison, Mark Calvano, Kathleen Kimura, Elliot Beckelman, Nat Santos, Rita Alviar, Sebastian Tamblin, Alfredo Pedroza, Barbara Lopez, Hallah Hijazi, Miguel Bustos, Fr. David Lowell, Roberto Hernandez, Philip Lesser, Alana Merkoff, James Gallagher, Ken Dean, Vicky Riga, Melissa Guino, David Gonzales, Wanda Whittaker, Michael Musler, Rob Black, Bernard Bogee, Dirk Johnson, Jean-Paul Samaha, Nina Jonasor, Eric Aguello, Laurel Nuniz, Eloise Bates, Jerry Agosta and Warren Schweier.

The following people spoke in support of the Zoning Administrator: Eyal Haim, Kica Gazmuri, Viveka Chen, Will Coertnik, Dawn Pavli, Elaine Ward, Nancy Anding, Pete Humphrey, Ethan Davidson, Annie Chen, Ricardo Resoluti and Rachel Kahn.

(9) **APPEAL NO. 09-106**

GAIL McMAHON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	**22 Scott Alley. Protesting the issuance on Sept. 15, 2009, to Chen Yuling & Phil Richardson, Permit to Alter a Building (re-level; inject grout beneath south end of building; according to spec's of Geo Grout).**

	APPLICATION NO. 2009/09/15/6806. **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Peterson and Commissioner Goh dissented) to deny the appeal and uphold the permit.

SPEAKERS: Gail McMahon, appellant; Rachel Abraham-Pollard, agent for permit holder; Curtis Jensen, agent for permit holder; Phil Richardson, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: Jim Wiley spoke in support of the permit holder.

(10) **APPEAL NO. 09-111**

JOHN HORN, Appellant(s) **vs.** **DEPT. OF BUILDING INSPECTION,** **Respondent** **PLANNING DEPT. APPROVAL**	**600 Lakeview Avenue.** **Protesting the issuance on Sept. 28, 2009, to Abraham Lu, Permit to Alter a Building (repair fire damaged three-story, single-family dwelling; gypsum board at property line wall; add insulation; repair stair from front door to side garage; add toilet in 2nd floor living room; add rear deck.** **APPLICATION NO. 2009/09/25/7684.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Goh, the Board voted 4-1 (President Fung dissented) to grant the appeal and uphold the permit on the condition that the deck be reduced from 8'x12' to 6'x12'.

SPEAKERS: John Horn, appellant; Abraham Lu, permit holder.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 09-112**

SONIA SZTEJNKLAPER **BENJAMIN BELL, Appellant(s)** **vs.** **DEPT. OF BUILDING INSPECTION,** **Respondent** **PLANNING DEPT. APPROVAL**	**1200 Dolores Street.** **Protesting the issuance on Oct. 7, 2009, to John Ried, Permit to Alter a Building (comply with NOV No. 200923045; build and shingle canopy over existing side walkway and doorway.** **APPLICATION NO. 2009/10/07/8488.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Mandelman, the Board voted 3-2 (Vice President Peterson and Commissioner Garcia dissented) to grant the appeal and revoke the permit. With four votes needed, this motion failed. Upon further motion by Commissioner Goh, the Board voted 4-1 (Vice President Peterson dissented) to grant the appeal and uphold the permit on the condition that the front edge of the canopy be aligned with the face of appellant's building.o

SPEAKERS: Benjamin Bell, appellant; John Ried, permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 09-114**

KATHY EDWARDS, Appellant(s) **vs.** **DEPT. OF BUILDING INSPECTION,** **Respondent** **PLANNING DEPT. APPROVAL**	**1020 Francisco Street.** **Protesting the issuance on Sept. 28, 2009, to Sonja & Kevin O'Brien, Permit to Alter a Building (install 10' high wood fence along property line at portion of rear west side of property; approx.**

	dimensions of new fence are 10' high X 30' long). **APPLICATION NO. 2009/09/15/6866.** **FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Garcia the Board Voted 5-0 to grant the appeal and uphold the permit on the condition that the gate be reconstructed to swing inward toward the permit holder's property instead of outward toward the appellant's property.

SPEAKERS: Kathy Edwards, appellant; Sonja Moelleken O'Brien; permit holder; Mark Barbagelata, agent for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: Gloria Rogan spoke in support of the appellant.

(13) **APPEAL NO. 09-115**

GREGORY ERLACH, Appellant(s) **vs.** **DEPT. OF BUILDING INSPECTION,** **Respondent** **PLANNING DEPT. APPROVAL**	**395 Athens Street.** **Protesting the issuance on Sept. 28, 2009, to Raymond Feng, Permit to Erect a Building (four-story, two-unit residential building with 1,470sf of ground floor area).** **APPLICATION NO. 2003/12/24/3005S.** **FOR HEARING TODAY.**

ACTION: Upon motion by President Fung, the Board voted 5-0 to deny the appeal and uphold the permit.

SPEAKERS: Gregory Erlach, appellant; Lily Chan, permit holder; Augustin Fallay, agent for permit holder; Scott Sanchez PD.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 1:00 a.m.

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P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED meetings for Dec. 23, 2009, Dec. 30, 2009 or Jan. 6, 2010. The next regular meeting is scheduled for Wednesday, Jan. 13, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

12/30/09, 1:10 called

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of SF, Dept. 37
Direct: 575-6887
Fax: 575-6885

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